
TABLE OF CONTENTS

CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

Cumulative Table.....2011

NOTICES OF INTENDED REGULATORY ACTION

TITLE 9. ENVIRONMENT

State Water Control Board2024

TITLE 11. GAMING

Virginia Racing Commission.....2026

TITLE 12. HEALTH

State Board of Health.....2026

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

Board for Contractors.....2027

PROPOSED REGULATIONS

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICE SERVICES BOARD

Regulations Relating to Private Security Services (amending 6 VAC 20-171-10, 6 VAC 20-171-20, 6 VAC 20-171-30, 6 VAC 20-171-50 through 6 VAC 20-171-150, 6 VAC 20-171-170 through 6 VAC 20-171-200, 6 VAC 20-171-220, 6 VAC 20-171-230, 6 VAC 20-171-240, 6 VAC 20-171-250 through 6 VAC 20-171-280, 6 VAC 20-171-300, 6 VAC 20-171-310, 6 VAC 20-171-320, 6 VAC 20-171-330 through 6 VAC 20-171-400, 6 VAC 20-171-420, 6 VAC 20-171-430, 6 VAC 20-171-440, 6 VAC 20-171-480, 6 VAC 20-171-500, 6 VAC 20-171-510, 6 VAC 20-171-540, and 6 VAC 20-171-560; repealing 6 VAC 20-171-40).....2028

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Demonstration Waiver Services (adding 12 VAC 30-135-10 through 12 VAC 30-135-80).2062

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation and Substance Abuse Services (amending 12 VAC 35-105-20, 12 VAC 35-105-30, 12 VAC 35-105-280, 12 VAC 35-105-590, 12 VAC 35-105-660 and 12 VAC 35-105-800).2071

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Bureau of Insurance

Rules Governing Annual Audited Financial Reports (amending 14 VAC 5-270-40 and 14 VAC 5-270-80)..... 2082

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

Rules Governing Retail Access to Competitive Energy Services (amending 20 VAC 5-312-120)..... 2084

FINAL REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Pertaining to the Taking of Striped Bass (amending 4 VAC 20-252-130 and 4 VAC 20-252-150). 2086

Pertaining to Grey Trout (Weakfish) (amending 4 VAC 20-380-10, 4 VAC 20-380-30, 4 VAC 20-380-50 and 4 VAC 20-380-60)..... 2087

Pertaining to Summer Flounder (amending 4 VAC 20-620-50 and 4 VAC 20-620-70). 2088

Pertaining to Scup (Porgy) (amending 4 VAC 20-910-45). 2089

Pertaining to Black Sea Bass (amending 4 VAC 20-950-30 and 4 VAC 20-950-45). 2089

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Regulation No. 5 -- Control of Pollution from Boats (REPEALING). (9 VAC 25-70)..... 2090

Regulations Governing the Discharge of Sewage and Other Wastes from Boats (adding 9 VAC 25-71-10 through 9 VAC 25-71-70)..... 2090

Smith Mountain Lake No-Discharge Zone (REPEALING). (9 VAC 25-730)..... 2090

James River 3(C) Wastewater Management Plan Peninsula Area (REPEALED). (9 VAC 25-420) 2091

Roanoke River Basin Water Quality Management Plan (REPEALED). (9 VAC 25-430) 2091

Upper Roanoke River Subarea Water Quality Management Plan (REPEALED). (9 VAC 25-440)..... 2091

Upper James River Basin Water Quality Management Plan (REPEALED). (9 VAC 25-450) 2091

Table of Contents

Upper James-Jackson River Subarea Water Quality Management Plan (REPEALED). (9 VAC 25-452).....	2091
Metropolitan/Regional Water Quality Management Plan for Northern Neck Planning District (No. 17) (REPEALED). (9 VAC 25-460).....	2091
York River Basin Water Quality Management Plan. (REPEALED). (9 VAC 25-470).....	2091
Tennessee and Big Sandy River Basins Water Quality Management Plan (REPEALED). (9 VAC 25-480).....	2091
Rappahannock Area Development Commission (RADCO) 208 Areawide Waste Treatment Management Plan and Potomac-Shenandoah River Basin 303(E) Water Quality Management Plan (REPEALED). (9 VAC 25-490).....	2091
State Water Quality Management Plan for the Fifth Planning District (REPEALED). (9 VAC 25-500)	2091
Water Quality Management Plan for the Southwest Virginia 208 Planning Area (REPEALED). (9 VAC 25-510).....	2091
Water Quality Management Plan for the First Tennessee-Virginia Development District (REPEALED). (9 VAC 25-520)	2091
Water Quality Management Plan for the Hampton Roads Planning Area (Planning Districts 20 & 21) (REPEALED). (9 VAC 25-530).....	2091
Water Quality Management Plan for the New River Basin (REPEALED). (9 VAC 25-540).....	2091
Small Coastal River Basins and Chesapeake Bay Virginia Eastern Shore Portion Water Quality Management Plan (REPEALED). (9 VAC 25-550).....	2091
Potomac-Shenandoah River Basin Water Quality Management Plan (REPEALED). (9 VAC 25-560).....	2091
Richmond-Crater Interim Water Quality Management Plan (REPEALED). (9 VAC 25-570).....	2091
Water Quality Management Plans (REPEALED). (9 VAC 25-572).....	2091
Water Quality Management Planning-Regulation (adding 9 VAC 25-720-10 through 9 VAC 25-720-140).	2091

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Biosolids Use Regulations (amending 12 VAC 5-585-10, 12 VAC 5-585-40, 12 VAC 5-585-50, and 12 VAC 5-585-270; adding 12 VAC 5-585-660 through 12 VAC 5-585-750).	2138
---	------

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF SOCIAL WORK

Regulations Governing the Practice of Social Work (amending 18 VAC 140-20-30).	2145
--	------

TITLE 22. SOCIAL SERVICES

DEPARTMENT OF REHABILITATIVE SERVICES

Provision of Vocational Rehabilitation Services (amending 22 VAC 30-20-10 through 22 VAC 30-20-40, 22 VAC 30-20-60, 22 VAC 30-20-80 through 22 VAC 30-20-130, 22 VAC 30-20-150, 22 VAC 30-20-160, 22 VAC 30-20-170, 22 VAC 30-20-181, and 22 VAC 30-20-200; adding 22 VAC 30-20-95.)	2146
--	------

FORMS

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Bureau of Insurance

Rules Governing Insurance Holding Companies. (14 VAC 5-260)	2169
---	------

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

ORDER ESTABLISHING PROCEEDING

In the Matter of Developing Consensus Recommendations on Stranded Costs. (PUE-2003-00062).....	2170
--	------

Bureau of Insurance

ADMINISTRATIVE LETTER

Credit Insurance Experience Exhibits - § 38.2-3730 of the Code of Virginia. (2003-1)	2173
--	------

DEPARTMENT OF ENVIRONMENTAL QUALITY

Total Maximum Daily Load (TMDL) to Address an Impairment in the Deep Run Watershed.....	2175
Total Maximum Daily Loads (TMDLs) to Address Impairments in the Muddy Run Watershed.....	2175
Total Maximum Daily Loads (TMDLs) to Address Two Benthic Community Impairments in the Goose Creek Watershed	2176

VIRGINIA CODE COMMISSION

Notice to State Agencies.....	2176
Forms for Filing Material for Publication in <i>The Virginia Register of Regulations</i>	2176

ERRATA

DEPARTMENT OF GAME AND INLAND FISHERIES

Watercraft: Safety Equipment Requirements. (4 VAC 15-430)
.....[2176](#)

REAL ESTATE BOARD

Virginia Real Estate Board Licensing Regulations. (18 VAC
135-20).....[2177](#)

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings.....[2178](#)

INDEPENDENT

Open Meetings and Public Hearings.....[2198](#)

CHRONOLOGICAL LIST

Open Meetings[2199](#)
Public Hearings[2202](#)

CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2002 VAC Supplement includes final regulations published through *Virginia Register* Volume 18, Issue 24, dated August 12, 2002). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 4. Conservation and Natural Resources			
4 VAC 5-30-200	Amended	19:9 VA.R. 1338	2/12/03
4 VAC 5-36-90	Amended	19:12 VA.R. 1881	3/27/03
4 VAC 5-36-100	Amended	19:12 VA.R. 1883	3/27/03
4 VAC 15-20-160	Amended	19:1 VA.R. 102	10/23/02
4 VAC 15-30-40	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-30-40	Amended	19:7 VA.R. 1074	11/25/02
4 VAC 15-320-20	Repealed	19:5 VA.R. 805	1/1/03
4 VAC 15-320-25	Added	19:5 VA.R. 805	1/1/03
4 VAC 15-320-30	Repealed	19:5 VA.R. 805	1/1/03
4 VAC 15-320-40	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-320-50	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-10	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-100	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-120	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-160	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-330-190	Amended	19:5 VA.R. 805	1/1/03
4 VAC 15-340-60	Amended	19:5 VA.R. 806	1/1/03
4 VAC 15-350-30	Amended	19:5 VA.R. 806	1/1/03
4 VAC 15-360-10	Amended	19:5 VA.R. 806	1/1/03
4 VAC 15-370-10	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-370-30	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-370-50	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-370-51	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-370-70	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-370-80	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-380-10	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-380-20	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-380-30	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-40	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-50	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-60	Repealed	19:5 VA.R. 807	1/1/03
4 VAC 15-380-70	Amended	19:5 VA.R. 807	1/1/03
4 VAC 15-380-80 through 4 VAC 15-380-130	Added	19:5 VA.R. 807	1/1/03
4 VAC 15-390-10	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-11	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-390-20	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-30	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-50	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-70	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-90	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-100	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-110	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-130	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-390-140	Added	19:5 VA.R. 808	1/1/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 15-390-150	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-390-160	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-400-20	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-400-30	Amended	19:5 VA.R. 808	1/1/03
4 VAC 15-400-50	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-420-10 through 4 VAC 15-420-120	Added	19:5 VA.R. 808	1/1/03
4 VAC 15-430-10 through 4 VAC 15-430-220	Added	19:5 VA.R. 809	1/1/03
4 VAC 15-440-10 through 4 VAC 15-440-60	Added	19:5 VA.R. 809	1/1/03
4 VAC 20-252-20	Amended	19:10 VA.R. 1485	1/1/03
4 VAC 20-252-130	Amended	19:10 VA.R. 1485	1/1/03
4 VAC 20-252-130 emer	Amended	19:12 VA.R. 1905	1/31/03-2/28/03
4 VAC 20-252-140	Amended	19:10 VA.R. 1486	1/1/03
4 VAC 20-252-150	Amended	19:10 VA.R. 1486	1/1/03
4 VAC 20-252-150 emer	Amended	19:12 VA.R. 1906	1/31/03-2/28/03
4 VAC 20-252-160	Amended	19:10 VA.R. 1487	1/1/03
4 VAC 20-280-30	Amended	19:10 VA.R. 1487	1/1/03
4 VAC 20-280-40	Amended	19:10 VA.R. 1488	1/1/03
4 VAC 20-430-20	Amended	19:3 VA.R. 432	10/1/02
4 VAC 20-530-10	Amended	19:10 VA.R. 1488	1/1/03
4 VAC 20-530-20	Amended	19:10 VA.R. 1488	1/1/03
4 VAC 20-530-23	Added	19:10 VA.R. 1488	1/1/03
4 VAC 20-530-26	Added	19:10 VA.R. 1488	1/1/03
4 VAC 20-530-29	Added	19:10 VA.R. 1488	1/1/03
4 VAC 20-562-10 through 4 VAC 20-562-50 emer	Added	18:25 VA.R. 3570	8/16/02-8/30/02
4 VAC 20-610-60	Amended	18:25 VA.R. 3548	8/1/02
4 VAC 20-670-30	Amended	18:25 VA.R. 3550	8/1/02
4 VAC 20-720-10 emer	Amended	19:8 VA.R. 1256	11/27/02-12/26/02
4 VAC 20-720-20	Amended	19:3 VA.R. 432	10/1/02
4 VAC 20-720-20 emer	Amended	19:8 VA.R. 1256	11/27/02-12/26/02
4 VAC 20-720-20	Amended	19:9 VA.R. 1339	12/27/02
4 VAC 20-720-20 emer	Amended	19:12 VA.R. 1906	2/1/03-3/3/03
4 VAC 20-720-40	Amended	19:3 VA.R. 433	10/1/02
4 VAC 20-720-40 emer	Amended	19:8 VA.R. 1257	11/27/02-12/26/02
4 VAC 20-720-40 through 4 VAC 20-720-80	Amended	19:9 VA.R. 1339-1342	12/27/02
4 VAC 20-720-40 emer	Amended	19:12 VA.R. 1907	2/1/03-3/3/03
4 VAC 20-720-50 through 4 VAC 20-720-80	Amended	19:3 VA.R. 434-436	10/1/02
4 VAC 20-720-50 emer	Amended	19:8 VA.R. 1257	11/27/02-12/26/02
4 VAC 20-720-50 emer	Amended	19:12 VA.R. 1907	2/1/03-3/3/03
4 VAC 20-720-70 emer	Amended	19:8 VA.R. 1258	11/27/02-12/26/02
4 VAC 20-720-70 emer	Amended	19:12 VA.R. 1908	2/1/03-3/3/03
4 VAC 20-720-80	Amended	19:5 VA.R. 809	11/1/02
4 VAC 20-720-80	Erratum	19:12 VA.R. 1915	--
4 VAC 20-720-80 emer	Amended	19:12 VA.R. 1909	2/1/03-3/3/03
4 VAC 20-720-110 emer	Amended	19:8 VA.R. 1258	11/27/02-12/26/02
4 VAC 20-752-20	Amended	19:1 VA.R. 102	9/1/02
4 VAC 20-754-10 emer	Amended	19:5 VA.R. 811	10/27/02-11/25/02
4 VAC 20-754-20 emer	Amended	19:5 VA.R. 811	10/27/02-11/25/02
4 VAC 20-754-30 emer	Amended	19:1 VA.R. 137	8/28/02-9/27/02
4 VAC 20-754-30 emer	Amended	19:5 VA.R. 811	10/27/02-11/25/02
4 VAC 20-754-30	Amended	19:3 VA.R. 440	9/26/02
4 VAC 20-754-30	Amended	19:8 VA.R. 1193	11/27/02
4 VAC 20-910-45 emer	Amended	19:12 VA.R. 1911	1/31/03-2/28/03
4 VAC 20-950-10	Amended	19:10 VA.R. 1489	1/1/03
4 VAC 20-950-40	Amended	19:10 VA.R. 1489	1/1/03
4 VAC 20-950-45	Amended	19:10 VA.R. 1489	1/1/03
4 VAC 20-950-46	Added	19:10 VA.R. 1490	1/1/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-950-47	Added	19:10 VA.R. 1491	1/1/03
4 VAC 20-950-48	Added	19:10 VA.R. 1491	1/1/03
4 VAC 20-950-49	Added	19:10 VA.R. 1491	1/1/03
Title 6. Criminal Justice and Corrections			
6 VAC 20-210-10 through 6 VAC 20-210-110 emer	Added	19:10 VA.R. 1511-1512	1/7/03-1/6/04
6 VAC 35-60-10	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-20	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-30	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-40	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-170	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-215	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-225	Added	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-236	Added	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-237	Added	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-280	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-290	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-320	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-330	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-390	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-400	Repealed	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-410	Amended	18:25 VA.R. 3551	11/1/02
6 VAC 35-60-415	Added	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-440	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-450	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-460	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-480	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-490	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-495	Repealed	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-500	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-575	Added	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-580	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-600	Amended	18:25 VA.R. 3552	11/1/02
6 VAC 35-60-605	Repealed	18:25 VA.R. 3552	11/1/02
Title 8. Education			
8 VAC 20-440-10	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-90	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-110	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-120	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-140	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-150	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440-160	Amended	19:12 VA.R. 1886	3/28/03
8 VAC 20-440 Appendix A	Amended	19:12 VA.R. 1887	3/28/03
8 VAC 20-440 Appendix B	Amended	19:12 VA.R. 1890	3/28/03
8 VAC 20-650-10	Added	19:10 VA.R. 1492	3/1/03
8 VAC 20-650-20	Added	19:10 VA.R. 1492	3/1/03
8 VAC 20-650-30	Added	19:10 VA.R. 1492	3/1/03
Title 9. Environment			
9 VAC 5-40-90	Amended	19:6 VA.R. 996	2/1/03
9 VAC 5-40-120	Amended	19:6 VA.R. 996	2/1/03
9 VAC 5-50-90	Amended	19:6 VA.R. 997	2/1/03
9 VAC 5-50-120	Amended	19:6 VA.R. 997	2/1/03
9 VAC 5-50-400	Amended	19:6 VA.R. 998	2/1/03
9 VAC 5-50-410	Amended	19:6 VA.R. 998	2/1/03
9 VAC 5-50-420	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-60	Amended	19:6 VA.R. 1003	2/1/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-60-90	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-100	Amended	19:6 VA.R. 1003	2/1/03
9 VAC 5-60-120 through 9 VAC 5-60-180	Amended	19:3 VA.R. 441-454	12/1/02
9 VAC 5-91-380	Amended	19:3 VA.R. 455	12/1/02
9 VAC 5-220-10 through 9 VAC 5-220-60	Added	19:3 VA.R. 456	12/1/02
9 VAC 5-221-10 through 9 VAC 5-221-60	Added	19:3 VA.R. 456	12/1/02
9 VAC 5-510-10 through 9 VAC 5-510-250	Added	19:3 VA.R. 457-466	12/1/02
9 VAC 5-510-170	Erratum	19:7 VA.R. 1119	--
9 VAC 10-10-10	Amended	19:8 VA.R. 1194	1/29/03
9 VAC 10-10-20	Amended	19:8 VA.R. 1195	1/29/03
9 VAC 10-10-30	Amended	19:8 VA.R. 1195	1/29/03
9 VAC 10-10-40	Repealed	19:8 VA.R. 1197	1/29/03
9 VAC 20-60-18	Amended	19:12 VA.R. 1891	3/26/03
9 VAC 20-60-1285	Erratum	18:25 VA.R. 3607	--
9 VAC 20-130 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 20-150-30	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-40	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-80	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-100	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-110	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 20-150-130	Amended	19:6 VA.R. 1008	11/13/02
9 VAC 25-31-50	Amended	18:25 VA.R. 3552	9/25/02
9 VAC 25-31-100	Amended	18:25 VA.R. 3553	9/25/02
9 VAC 25-120-10	Amended	19:10 VA.R. 1493	2/26/03
9 VAC 25-120-20	Amended	19:10 VA.R. 1493	2/26/03
9 VAC 25-120-31	Repealed	19:10 VA.R. 1493	2/26/03
9 VAC 25-120-50 through 9 VAC 25-120-80	Amended	19:10 VA.R. 1493	2/26/03
9 VAC 25-180-10	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-20	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-40	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-50	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-55	Added	19:4 VA.R. 629	12/4/02
9 VAC 25-180-60	Amended	19:4 VA.R. 629	12/4/02
9 VAC 25-180-70	Amended	19:4 VA.R. 630	12/4/02
9 VAC 25-195	Repealed	19:10 VA.R. 1494	3/4/03
9 VAC 25-196-40 through 9 VAC 25-196-70	Amended	19:10 VA.R. 1495	3/2/03
9 VAC 25-196-80	Repealed	19:10 VA.R. 1495	3/2/03
9 VAC 25-210 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-260-5	Amended	18:20 VA.R. 2658	1/15/03 ¹
9 VAC 25-260-140	Amended	18:24 VA.R. 3289	²
9 VAC 25-260-140	Erratum	18:25 VA.R. 3607	--
9 VAC 25-260-155	Amended	18:24 VA.R. 3289	²
9 VAC 25-260-160	Amended	18:20 VA.R. 2658	1/15/03 ¹
9 VAC 25-260-170	Amended	18:20 VA.R. 2658	1/15/03 ¹
9 VAC 25-260-310	Amended	18:20 VA.R. 2659	²
9 VAC 25-260-390	Amended	18:20 VA.R. 2661	²
9 VAC 25-420	Repealed	18:26 VA.R. 3808	³
9 VAC 25-430	Repealed	18:26 VA.R. 3808	³
9 VAC 25-440	Repealed	18:26 VA.R. 3808	³
9 VAC 25-450	Repealed	18:26 VA.R. 3808	³
9 VAC 25-452	Repealed	18:26 VA.R. 3808	³
9 VAC 25-460	Repealed	18:26 VA.R. 3808	³

¹ Notice of effective date published in 19:7 VA.R. 1074.

² Effective 30 days after notice in the *Virginia Register* of EPA approval.

³ Effective date suspended at publication for further public comment.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-470	Repealed	18:26 VA.R. 3808	³
9 VAC 25-480	Repealed	18:26 VA.R. 3808	³
9 VAC 25-490	Repealed	18:26 VA.R. 3808	³
9 VAC 25-500	Repealed	18:26 VA.R. 3808	³
9 VAC 25-510	Repealed	18:26 VA.R. 3808	³
9 VAC 25-520	Repealed	18:26 VA.R. 3808	³
9 VAC 25-530	Repealed	18:26 VA.R. 3808	³
9 VAC 25-540	Repealed	18:26 VA.R. 3808	³
9 VAC 25-550	Repealed	18:26 VA.R. 3808	³
9 VAC 25-560	Repealed	18:26 VA.R. 3808	³
9 VAC 25-570	Repealed	18:26 VA.R. 3808	³
9 VAC 25-572	Repealed	18:26 VA.R. 3808	³
9 VAC 25-660 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-670 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-680 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-690 (Forms)	Amended	19:12 VA.R. 1912	--
9 VAC 25-720-10 through 9 VAC 25-720-140	Added	18:26 VA.R. 3809-3852	³
9 VAC 25-750-10 through 9 VAC 25-750-50	Added	19:4 VA.R. 645-658	12/9/02
9 VAC 25-770-10 through 9 VAC 25-770-190 emer	Added	19:8 VA.R. 1260-1267	12/5/02-12/4/03
Title 10. Finance and Financial Institutions			
10 VAC 5-200-75	Added	19:9 VA.R. 1344	1/1/03
Title 11. Gaming			
11 VAC 10-130-80	Amended	19:3 VA.R. 478	9/27/02
Title 12. Health			
12 VAC 5-30	Repealed	19:3 VA.R. 478	1/15/03 ⁴
12 VAC 5-31-10 through 12 VAC 5-31-600	Added	19:3 VA.R. 479-493	1/15/03 ⁴
12 VAC 5-31-610	Added	19:3 VA.R. 493	⁵
12 VAC 5-31-620	Added	19:3 VA.R. 494	⁵
12 VAC 5-31-630 through 12 VAC 5-31-720	Added	19:3 VA.R. 494-503	1/15/03 ⁴
12 VAC 5-31-730	Added	19:3 VA.R. 516	⁵
12 VAC 5-31-740 through 12 VAC 5-31-930	Added	19:3 VA.R. 494-503	1/15/03 ⁴
12 VAC 5-31-940	Added	19:3 VA.R. 503	⁵
12 VAC 5-31-950	Added	19:3 VA.R. 503	1/15/03 ⁴
12 VAC 5-31-960	Added	19:3 VA.R. 503	1/15/03 ⁴
12 VAC 5-31-970	Withdrawn	19:10 VA.R. 1495	--
12 VAC 5-31-980 through 12 VAC 5-31-1020	Added	19:3 VA.R. 503-504	1/15/03 ⁴
12 VAC 5-31-1030	Added	19:3 VA.R. 504	⁵
12 VAC 5-31-1040	Added	19:3 VA.R. 504	1/15/03 ⁴
12 VAC 5-31-1050	Withdrawn	19:8 VA.R. 1197	--
12 VAC 5-31-1060 through 12 VAC 5-31-1130	Added	19:3 VA.R. 504	1/15/03 ⁴
12 VAC 5-31-1140	Added	19:3 VA.R. 505	⁵
12 VAC 5-31-1150 through 12 VAC 5-31-2260	Added	19:3 VA.R. 516-529	1/15/03 ⁴
12 VAC 5-31-2090	Erratum	19:7 VA.R. 1119	--
12 VAC 5-90-80 emer	Amended	19:13 VA.R. 1971	2/11/03-2/10/04
12 VAC 5-220-10	Amended	19:8 VA.R. 1198	2/3/03
12 VAC 5-220-90	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-105	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-150	Repealed	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-160	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-180	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-200	Amended	19:8 VA.R. 1202	2/3/03
12 VAC 5-220-230	Amended	19:8 VA.R. 1205	2/3/03

³ Effective date suspended at publication for further public comment.

⁴ Notice of change of effective date published in 19:9 VA.R. 1345.

⁵ Effective date suspended in 19:10 VA.R. 1495.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-220-270	Amended	19:8 VA.R. 1206	2/3/03
12 VAC 5-220-280	Amended	19:8 VA.R. 1207	2/3/03
12 VAC 5-220-355	Amended	19:8 VA.R. 1207	2/3/03
12 VAC 5-220-385	Amended	19:8 VA.R. 1207	2/3/03
12 VAC 5-220-420	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-220-470	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-230-10	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-230-20	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-240-10	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-240-20	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-240-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-250-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-40	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-80	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-260-100	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-270-30	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-270-40	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-280-10	Amended	19:8 VA.R. 1209	2/3/03
12 VAC 5-280-30	Amended	19:8 VA.R. 1210	2/3/03
12 VAC 5-280-70	Amended	19:8 VA.R. 1210	2/3/03
12 VAC 5-290-10	Amended	19:8 VA.R. 1210	2/3/03
12 VAC 5-290-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-300-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-310-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-320-50	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-320-150	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-320-430	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-340-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-360-30	Amended	19:8 VA.R. 1211	2/3/03
12 VAC 5-360-40	Amended	19:8 VA.R. 1212	2/3/03
12 VAC 5-410-230	Amended	19:1 VA.R. 103	11/1/02
12 VAC 5-410-230	Erratum	19:3 VA.R. 549	--
12 VAC 5-410-390	Amended	19:1 VA.R. 103	11/1/02
12 VAC 5-410-1170	Amended	19:1 VA.R. 104	11/1/02
12 VAC 5-410-1180	Amended	19:1 VA.R. 104	11/1/02
12 VAC 30-70-201 emer	Amended	18:26 VA.R. 3906	9/1/02-8/31/03
12 VAC 30-70-425 emer	Added	18:25 VA.R. 3571	8/1/02-7/31/03
12 VAC 30-70-426 emer	Added	18:25 VA.R. 3571	8/1/02-7/31/03
12 VAC 30-80-20 emer	Amended	18:25 VA.R. 3571	8/1/02-7/31/03
12 VAC 30-80-30 emer	Amended	18:25 VA.R. 3573	8/1/02-7/31/03
12 VAC 30-80-30 emer	Amended	18:25 VA.R. 3576	8/1/02-7/31/03
12 VAC 30-90-18 emer	Added	18:25 VA.R. 3575	8/1/02-7/31/03
12 VAC 30-90-19 emer	Amended	18:25 VA.R. 3575	8/1/02-7/31/03
12 VAC 30-120-10 through 12 VAC 30-120-50	Amended	19:8 VA.R. 1212-1223	2/1/03
12 VAC 30-120-55	Added	19:8 VA.R. 1223	2/1/03
12 VAC 30-120-60	Amended	19:8 VA.R. 1224	2/1/03
12 VAC 30-120-210	Repealed	18:26 VA.R. 3853	10/16/02
12 VAC 30-120-211 through 12 VAC 30-120-219	Added	18:26 VA.R. 3855-3865	10/16/02
12 VAC 30-120-220	Repealed	18:26 VA.R. 3865	10/16/02
12 VAC 30-120-221 through 12 VAC 30-120-229	Added	18:26 VA.R. 3867-3875	10/16/02
12 VAC 30-120-230	Repealed	18:26 VA.R. 3875	10/16/02
12 VAC 30-120-231 through 12 VAC 30-120-237	Added	18:26 VA.R. 3878-3883	10/16/02
12 VAC 30-120-240	Repealed	18:26 VA.R. 3883	10/16/02
12 VAC 30-120-241 through 12 VAC 30-120-249	Added	18:26 VA.R. 3885-3893	10/16/02
12 VAC 30-120-249	Erratum	19:3 VA.R. 549	--

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-120-250	Repealed	18:26 VA.R. 3893	10/16/02
12 VAC 30-120-360	Amended	19:3 VA.R. 530	12/1/02
12 VAC 30-120-370	Amended	19:3 VA.R. 531	12/1/02
12 VAC 30-120-380	Amended	19:3 VA.R. 531	12/1/02
12 VAC 30-120-385	Repealed	19:3 VA.R. 531	12/1/02
12 VAC 30-120-390 through 12 VAC 30-120-420	Amended	19:3 VA.R. 531	12/1/02
12 VAC 30-120-700 emer	Amended	19:3 VA.R. 536	10/1/02-9/30/03
12 VAC 30-120-710 emer	Amended	19:3 VA.R. 539	10/1/02-9/30/03
12 VAC 30-120-720 emer	Amended	19:3 VA.R. 539	10/1/02-9/30/03
12 VAC 30-135-10 through 12 VAC 30-135-80 emer	Added	18:25 VA.R. 3579-3580	10/1/02-9/30/03
12 VAC 30-135-10 through 12 VAC 30-135-80 emer	Added	19:8 VA.R. 1268-1269	12/4/02-9/30/03
12 VAC 30-141-10 through 12 VAC 30-141-650 emer	Adding	19:1 VA.R. 138-150	9/1/02-8/31/02
12 VAC 30-141-10 through 12 VAC 30-141-650 emer	Added	18:25 VA.R. 3580-3590	8/1/02-7/31/03
12 VAC 35-105-20 emer	Amended	18:25 VA.R. 3591	9/19/02-9/18/03
12 VAC 35-105-30 emer	Amended	18:25 VA.R. 3597	9/19/02-9/18/03
12 VAC 35-105-280 emer	Amended	18:25 VA.R. 3598	9/19/02-9/18/03
12 VAC 35-105-590 emer	Amended	18:25 VA.R. 3598	9/19/02-9/18/03
12 VAC 35-105-660 emer	Amended	18:25 VA.R. 3598	9/19/02-9/18/03
12 VAC 35-105-800 emer	Amended	18:25 VA.R. 3599	9/19/02-9/18/03
12 VAC 35-190-10	Amended	19:7 VA.R. 1075	1/15/03
12 VAC 35-190-20	Repealed	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-21	Added	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-30	Amended	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-40	Repealed	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-41	Added	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-50	Repealed	19:7 VA.R. 1076	1/15/03
12 VAC 35-190-51	Added	19:7 VA.R. 1076	1/15/03
Title 13. Housing			
13 VAC 10-20-20	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-20-40	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-20-90	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-40-20	Amended	19:2 VA.R. 349	9/20/02
13 VAC 10-40-110	Amended	19:12 VA.R. 1892	1/24/03
13 VAC 10-40-220	Amended	19:12 VA.R. 1892	1/24/03
13 VAC 10-40-230	Amended	19:12 VA.R. 1892	1/24/03
13 VAC 10-50-90	Amended	19:2 VA.R. 349	9/20/02
Title 14. Insurance			
14 VAC 5-71-10 through 14 VAC 5-71-100	Amended	19:1 VA.R. 104	9/4/02
14 VAC 5-170-20	Amended	19:4 VA.R. 660	10/24/02
14 VAC 5-170-30	Amended	19:4 VA.R. 660	10/24/02
14 VAC 5-170-60	Amended	19:4 VA.R. 661	10/24/02
14 VAC 5-170-70	Amended	19:4 VA.R. 662	10/24/02
14 VAC 5-170-105	Amended	19:4 VA.R. 665	10/24/02
14 VAC 5-170-150	Amended	19:4 VA.R. 670	10/24/02
14 VAC 5-170-180	Amended	19:4 VA.R. 688	10/24/02
14 VAC 5-200-20	Amended	19:12 VA.R. 1893	4/1/03
14 VAC 5-200-30	Amended	19:12 VA.R. 1893	4/1/03
14 VAC 5-200-40	Amended	19:12 VA.R. 1893	4/1/03
14 VAC 5-200-60	Amended	19:12 VA.R. 1893	4/1/03
14 VAC 5-200-75	Amended	19:12 VA.R. 1893	4/1/03
14 VAC 5-200-77	Added	19:12 VA.R. 1894	4/1/03
14 VAC 5-200-150	Amended	19:12 VA.R. 1894	4/1/03
14 VAC 5-200-153	Added	19:12 VA.R. 1894	4/1/03
14 VAC 5-200-200	Amended	19:12 VA.R. 1894	4/1/03
14 VAC 5-210-70	Amended	18:26 VA.R. 3896	9/1/02
14 VAC 5-210-90	Amended	18:26 VA.R. 3896	9/1/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
14 VAC 5-350-20	Amended	19:1 VA.R. 107	9/1/02
14 VAC 5-350-30	Amended	19:1 VA.R. 107	9/1/02
14 VAC 5-350-40 through 14 VAC 5-350-80	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-85	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-95	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-110 through 14 VAC 5-350-140	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-150	Amended	19:1 VA.R. 108	9/1/02
14 VAC 5-350-155	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-160	Amended	19:1 VA.R. 108	9/1/02
14 VAC 5-350-165	Added	19:1 VA.R. 108	9/1/02
14 VAC 5-350-170	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-180	Repealed	19:1 VA.R. 108	9/1/02
14 VAC 5-350-210	Amended	19:1 VA.R. 108	9/1/02
14 VAC 5-350 (Forms)	Amended	19:5 VA.R. 814	--
14 VAC 5-385-10 through 14 VAC 5-385-150	Added	19:2 VA.R. 351	10/1/02
Title 16. Labor and Employment			
16 VAC 5-10-10	Amended	18:26 VA.R. 3897	11/3/02
16 VAC 5-10-20	Amended	18:26 VA.R. 3897	11/3/02
16 VAC 5-10-21	Added	18:26 VA.R. 3898	11/3/02
16 VAC 5-10-22	Added	18:26 VA.R. 3898	11/3/02
16 VAC 5-10-30	Amended	18:26 VA.R. 3898	11/3/02
16 VAC 5-20-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-20-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-32-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-32-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-60-10	Amended	18:26 VA.R. 3898	11/3/02
16 VAC 5-60-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-60-40	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-70-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-70-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-10	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-20	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-30	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 5-80-40	Amended	18:26 VA.R. 3900	11/3/02
16 VAC 20-10-10	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-20	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-40	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-50	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-80	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-90	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 20-10-100	Amended	19:8 VA.R. 1239	2/1/03
16 VAC 25-10-10	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-20	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-40	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-50	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-80	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-90	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-100	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-10-120	Amended	19:10 VA.R. 1496	3/1/03
16 VAC 25-60-190	Amended	19:9 VA.R. 1346	3/1/03
16 VAC 25-60-290	Amended	19:9 VA.R. 1348	3/1/03
16 VAC 25-60-320	Amended	19:9 VA.R. 1348	3/1/03
16 VAC 25-85-1904.10	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.33	Added	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.34	Added	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.35 through 16 VAC 25-90-1910.38	Amended	19:9 VA.R. 1349	3/1/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 25-90-1910.39	Added	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.119	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.120	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.157	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.268	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.272	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.1047	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.1050	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-90-1910.1051	Amended	19:9 VA.R. 1349	3/1/03
16 VAC 25-100-1915.4	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.5	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.14	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.15	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.35	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.51	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.53	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.71 through 16 VAC 25-100-1915.75	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.77	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.92	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.97	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.112	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.115	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.116	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.118	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.131	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.134	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.152	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.158	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.159	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.160	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.163	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.165	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.172	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.181	Added	19:9 VA.R. 1350	3/1/03
16 VAC 25-100-1915.1001	Amended	19:9 VA.R. 1350	3/1/03
16 VAC 25-175-1926.200 through 16 VAC 25-175-1926.203	Amended	19:9 VA.R. 1351	3/1/03
Title 18. Professional and Occupational Licensing			
18 VAC 5-21-20	Amended	19:10 VA.R. 1496	2/28/03
18 VAC 5-21-20	Amended	19:12 VA.R. 1895	3/26/03
18 VAC 10-10-10 through 18 VAC 10-10-90	Amended	19:10 VA.R. 1497	3/1/03
18 VAC 41-10-10 through 18 VAC 41-10-90	Added	19:10 VA.R. 1497	3/1/03
18 VAC 50-22-100	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-22-140	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-22-170	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-22-250	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-30-90 through 18 VAC 50-30-130	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 50-30-150	Amended	19:6 VA.R. 1011	1/1/03
18 VAC 60-20-10	Amended	19:10 VA.R. 1498	2/26/03
18 VAC 60-20-250 through 18 VAC 60-20-331	Added	19:10 VA.R. 1498	2/26/03
18 VAC 60-20-20	Amended	19:10 VA.R. 1499	2/26/03
18 VAC 60-20-30	Amended	19:10 VA.R. 1499	2/26/03
18 VAC 65-30-10	Amended	19:10 VA.R. 1500	2/26/03
18 VAC 65-30-80	Amended	19:10 VA.R. 1500	2/26/03
18 VAC 65-40-340	Amended	19:10 VA.R. 1501	2/26/03
18 VAC 85-20-310 through 18 VAC 85-20-390 emer	Added	19:7 VA.R. 1114-1117	11/18/02-11/17/03
18 VAC 85-80-10	Amended	19:1 VA.R. 108	10/23/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 85-80-26	Added	19:1 VA.R. 108	10/23/02
18 VAC 85-80-35	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-40	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-45	Added	19:1 VA.R. 108	10/23/02
18 VAC 85-80-60 through 18 VAC 85-80-110	Amended	19:1 VA.R. 108	10/23/02
18 VAC 85-80-120	Repealed	19:1 VA.R. 109	10/23/02
18 VAC 85-101-10	Amended	19:1 VA.R. 109	10/23/02
18 VAC 85-101-60	Amended	19:1 VA.R. 109	10/23/02
18 VAC 85-101-70	Amended	19:1 VA.R. 110	10/23/02
18 VAC 85-101-150	Amended	19:1 VA.R. 110	10/23/02
18 VAC 85-110-10	Amended	19:10 VA.R. 1501	2/26/03
18 VAC 85-110-30	Repealed	19:10 VA.R. 1501	2/26/03
18 VAC 85-110-50	Amended	19:10 VA.R. 1501	2/26/03
18 VAC 85-110-60	Amended	19:10 VA.R. 1501	2/26/03
18 VAC 85-110-70	Repealed	19:10 VA.R. 1502	2/26/03
18 VAC 85-110-80	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 85-110-150	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 85-110-155	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 85-110-160	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 90-20-360	Amended	19:13 VA.R. 1967	4/9/03
18 VAC 90-20-361	Added	19:13 VA.R. 1967	4/9/03
18 VAC 90-20-362	Added	19:13 VA.R. 1967	4/9/03
18 VAC 90-20-363	Added	19:13 VA.R. 1968	4/9/03
18 VAC 90-20-364	Added	19:13 VA.R. 1968	4/9/03
18 VAC 90-40-100	Amended	19:7 VA.R. 1076	1/15/03
18 VAC 90-40-110	Amended	19:7 VA.R. 1076	1/15/03
18 VAC 90-40-120	Amended	19:7 VA.R. 1076	1/15/03
18 VAC 90-50	Erratum	19:8 VA.R. 1273	--
18 VAC 90-50-10	Amended	19:7 VA.R. 1084	1/15/03
18 VAC 90-50-40	Amended	19:7 VA.R. 1084	1/15/03
18 VAC 90-50-50	Amended	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-60	Amended	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-70	Amended	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-75	Added	19:7 VA.R. 1085	1/15/03
18 VAC 90-50-80	Amended	19:7 VA.R. 1086	1/15/03
18 VAC 90-50-90	Amended	19:7 VA.R. 1086	1/15/03
18 VAC 95-20-80	Amended	19:7 VA.R. 1094	1/15/03
18 VAC 105-20-10	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-20-15	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-20-20	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-20-40 through 18 VAC 105-20-70	Amended	19:7 VA.R. 1106	1/15/03
18 VAC 105-30-90	Amended	19:7 VA.R. 1108	1/15/03
18 VAC 105-30-100	Amended	19:7 VA.R. 1108	1/15/03
18 VAC 105-30-120	Amended	19:7 VA.R. 1108	1/15/03
18 VAC 110-20-20	Amended	19:4 VA.R. 689	12/4/02
18 VAC 110-20-20	Amended	19:10 VA.R. 1502	2/26/03
18 VAC 110-20-101 through 18 VAC 110-20-106	Added	19:10 VA.R. 1504	2/26/03
18 VAC 110-20-111	Added	19:10 VA.R. 1504	2/26/03
18 VAC 110-20-270	Amended	19:10 VA.R. 1504	2/26/03
18 VAC 110-20-270	Erratum	19:11 VA.R. 1790	--
18 VAC 110-30-15	Amended	19:4 VA.R. 691	12/4/02
18 VAC 112-20-10	Amended	19:1 VA.R. 110	10/23/02
18 VAC 112-20-130	Amended	19:1 VA.R. 110	10/23/02
18 VAC 112-20-131	Added	19:1 VA.R. 110	10/23/02
18 VAC 112-20-135	Amended	19:1 VA.R. 110	10/23/02
18 VAC 112-20-136	Added	19:1 VA.R. 110	10/23/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 112-20-140	Amended	19:1 VA.R. 110	10/23/02
18 VAC 115-30-140	Amended	19:1 VA.R. 110	10/23/02
18 VAC 115-60-55	Added	19:10 VA.R. 1505	2/26/03
18 VAC 115-60-130	Amended	19:1 VA.R. 111	10/23/02
18 VAC 125-20-30	Amended	19:10 VA.R. 1506	2/26/03
18 VAC 125-20-120	Amended	19:10 VA.R. 1506	2/26/03
18 VAC 125-20-121	Amended	19:10 VA.R. 1506	2/26/03
18 VAC 125-20-130	Amended	19:10 VA.R. 1506	2/26/03
18 VAC 135-20-10 through 18 VAC 135-20-80	Amended	19:12 VA.R. 1899-1901	4/1/03
18 VAC 135-20-100	Amended	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-105	Added	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-110 through 18 VAC 135-20-150	Amended	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-155	Added	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-160 through 18 VAC 135-20-180	Amended	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-185	Added	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-190	Amended	19:12 VA.R. 1901	4/1/03
18 VAC 135-20-200	Repealed	19:12 VA.R. 1903	4/1/03
18 VAC 135-20-220	Amended	19:12 VA.R. 1903	4/1/03
18 VAC 135-20-230	Repealed	19:12 VA.R. 1903	4/1/03
18 VAC 135-20-240 through 18 VAC 135-20-300	Amended	19:12 VA.R. 1903-1904	4/1/03
18 VAC 135-20-320	Repealed	19:12 VA.R. 1904	4/1/03
18 VAC 135-20-330	Amended	19:12 VA.R. 1904	4/1/03
18 VAC 135-20-340	Amended	19:12 VA.R. 1904	4/1/03
18 VAC 135-20-360	Amended	19:12 VA.R. 1904	4/1/03
18 VAC 135-20-370	Amended	19:12 VA.R. 1904	4/1/03
18 VAC 135-20-410	Amended	19:12 VA.R. 1904	4/1/03
18 VAC 150-20-10	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-30	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-70	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-75	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-100	Amended	19:7 VA.R. 1113	1/15/03
18 VAC 150-20-100	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-110	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-120 through 18 VAC 150-20-140	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-171	Added	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-172	Added	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-180 through 18 VAC 150-20-200	Amended	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-181	Added	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-205	Repealed	19:9 VA.R. 1351	3/1/03
18 VAC 150-20-210	Amended	19:9 VA.R. 1351	3/1/03
Title 19. Public Safety			
19 VAC 30-20-10	Amended	19:10 VA.R. 1508	3/1/03
19 VAC 30-20-50	Amended	19:10 VA.R. 1508	3/1/03
19 VAC 30-20-80	Amended	19:10 VA.R. 1508	3/1/03
Title 20. Public Utilities and Telecommunications			
20 VAC 5-302-20	Amended	19:1 VA.R. 115	8/21/02
20 VAC 5-302-25	Added	19:1 VA.R. 117	8/21/02
20 VAC 5-302-35	Added	19:1 VA.R. 118	8/21/02
20 VAC 5-312-90	Amended	19:1 VA.R. 121	1/1/03
20 VAC 5-312-90	Erratum	19:5 VA.R. 819	--
20 VAC 5-312-100	Amended	18:26 VA.R. 3904	1/1/03
20 VAC 5-312-120	Added	18:26 VA.R. 3905	1/1/03
Title 22. Social Services			
22 VAC 5-10-10	Amended	19:1 VA.R. 124	10/23/02
22 VAC 5-10-20	Amended	19:1 VA.R. 124	10/23/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 5-10-100	Amended	19:1 VA.R. 124	10/23/02
22 VAC 5-20-20 through 22 VAC 5-20-100	Amended	19:1 VA.R. 124-132	10/23/02
22 VAC 5-20-110	Repealed	19:1 VA.R. 132	10/23/02
22 VAC 5-20-120	Amended	19:1 VA.R. 132	10/23/02
22 VAC 5-20-140	Amended	19:1 VA.R. 133	10/23/02
22 VAC 5-20-150	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-170	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-180	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-190	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-210	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-230	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-250	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-300	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-310	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-330	Amended	19:1 VA.R. 134	10/23/02
22 VAC 5-20-450	Amended	19:1 VA.R. 135	10/23/02
22 VAC 5-20-460	Amended	19:1 VA.R. 135	10/23/02
22 VAC 5-20-580	Amended	19:1 VA.R. 135	10/23/02
22 VAC 5-20-600	Amended	19:1 VA.R. 136	10/23/02
22 VAC 15-30 (Forms)	Amended	19:4 VA.R. 695	--
22 VAC 15-60-10 through 22 VAC 15-60-180	Repealed	19:2 VA.R. 351	11/6/02
22 VAC 20-20-10 through 22 VAC 20-20-110	Amended	19:4 VA.R. 694	1/1/03
22 VAC 30-50-10 through 22 VAC 30-50-110	Added	19:9 VA.R. 1352-1354	2/13/03
22 VAC 40-60 (Forms)	Amended	19:4 VA.R. 695	--
22 VAC 40-71-10	Amended	19:8 VA.R. 1240	3/28/03
22 VAC 40-71-20	Amended	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-20	Erratum	19:11 VA.R. 1790	--
22 VAC 40-71-30	Amended	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-45	Added	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-50	Amended	19:8 VA.R. 1244	3/28/03
22 VAC 40-71-60	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-80	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-90	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-110	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-130	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-150	Amended	19:8 VA.R. 1245	3/28/03
22 VAC 40-71-160	Amended	19:8 VA.R. 1248	3/28/03
22 VAC 40-71-170	Amended	19:8 VA.R. 1248	3/28/03
22 VAC 40-71-180	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-210	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-270	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-275	Added	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-280	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-290	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-310	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-330	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-360	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-410	Amended	19:8 VA.R. 1249	3/28/03
22 VAC 40-71-440	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-450	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-460	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-480	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-490	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-530	Amended	19:8 VA.R. 1250	3/28/03
22 VAC 40-71-540	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-550	Amended	19:8 VA.R. 1251	3/28/03

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
22 VAC 40-71-560	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-570	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-580	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-590	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-600	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-630	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-640	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-650	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-660	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-670	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-680	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-690	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71 Part VI, Article 3	Erratum	19:11 VA.R. 1790	--
22 VAC 40-71-700	Amended	19:8 VA.R. 1251	3/28/03
22 VAC 40-71-700	Erratum	19:11 VA.R. 1790	--
22 VAC 40-90-10	Amended	19:2 VA.R. 352	11/6/02
22 VAC 40-90-20	Amended	19:2 VA.R. 353	11/6/02
22 VAC 40-90-60	Amended	19:2 VA.R. 353	11/6/02
22 VAC 40-92-10 through 22 VAC 40-92-180	Repealed	19:3 VA.R. 531	11/20/02
22 VAC 40-680-20	Amended	19:10 VA.R. 1509	2/26/03
22 VAC 40-680-63	Added	19:10 VA.R. 1509	2/26/03
22 VAC 40-680-67	Added	19:10 VA.R. 1509	2/26/03
22 VAC 40-700-10	Amended	19:10 VA.R. 1509	2/26/03
22 VAC 40-700-30	Amended	19:10 VA.R. 1510	2/26/03
22 VAC 40-705-10	Amended	19:6 VA.R. 1011	1/1/03
22 VAC 40-705-30 through 22 VAC 40-705-160	Amended	19:6 VA.R. 1014-1023	1/1/03
22 VAC 40-705-180	Amended	19:6 VA.R. 1023	1/1/03
22 VAC 40-705-190	Amended	19:6 VA.R. 1023	1/1/03
22 VAC 40-720-10	Amended	19:3 VA.R. 531	11/20/02
22 VAC 40-730-10	Amended	19:3 VA.R. 532	11/20/02
22 VAC 40-730-20	Amended	19:3 VA.R. 533	11/20/02
22 VAC 40-730-40 through 22 VAC 40-730-90	Amended	19:3 VA.R. 533	11/20/02
Title 24. Transportation and Motor Vehicles			
24 VAC 30-270	Repealed	19:3 VA.R. 533	9/18/02
24 VAC 30-271-10	Added	19:3 VA.R. 533	9/18/02
24 VAC 30-271-20	Added	19:3 VA.R. 533	9/18/02

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

† Indicates entries since last publication of the *Virginia Register*

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-191. Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Concentrated Animal Feeding Operations.** The purpose of the proposed action is to develop and adopt a general permit regulation to comply with the requirements set forth in 40 CFR Parts 9, 122, 123, and 412, as published in the Federal Register (Volume 68, No. 29, dated February 12, 2003). This general permit regulation will govern the authorization to manage pollutants from concentrated animal feeding operations, including storage and land application of animal waste.

Need: In order to comply with the changes to 40 CFR Parts 9, 122, 123, and 412, as published in the Federal Register (Volume 68, No. 29, dated February 12, 2003), the board must update VPDES regulations. The use of a general permit provides permittees the authority to manage pollutants and allows for the protection of state waters while utilizing fewer resources of the Commonwealth. A site specific nutrient management plan will be required for each individual operation covered by the VPDES general permit.

Substance: The State Water Control Board has the authority to administer the Federal National Pollutant Discharge Elimination System program within the Commonwealth and, as such, the program is called the Virginia Pollutant Discharge Elimination System program. Operations that meet the federal definition of Concentrated Animal Feeding Operation (CAFO) found in 40 CFR 122.23 must seek coverage under a NPDES permit. This action will result in the promulgation of a VPDES general permit that will allow those operations to obtain this type of permit. Some operations currently permitted under the Virginia Pollution Abatement (VPA) General Permit for Confined Animal Feeding Operations will be required to obtain a VPDES permit.

Alternatives: There are two alternatives for compliance with the new federal requirements. One is to issue an individual VPDES permit to each operation that meets the new federal requirements. The other is to adopt a general VPDES permit to cover this activity. Due to the magnitude of concentrated animal feeding operations that must seek coverage, it is not practical to issue individual permits to each of these sites. Individual permits will only be issued to those sites that do not qualify to be permitted under the general permit.

Public Participation: The board is seeking comments on the intended regulatory action, including (i) ideas to assist in the

development of a proposal, (ii) the costs and benefits of the alternatives stated in this notice or other alternatives, and (iii) impacts of the regulation on farm or forest lands. Anyone wishing to submit written comments for the public comment file may do so by mail, fax, or e-mail to Scott Haley, Office of Water Permit Programs, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4443, FAX (804) 698-4032, e-mail tshaley@deq.state.va.us. Written comments must include the name and address of the commenter. In order to be considered comments must be received by 4 p.m. on April 23, 2003.

Following publication of the draft general permit regulation in the *Virginia Register*, the board will hold at least one public hearing to provide opportunity for public comment.

Participatory Approach: The board is forming a technical advisory committee composed of relevant stakeholders to assist in the development of the general permit. Persons interested in participation on the advisory committee should provide their name, address, telephone number and the name of the organization they represent to the contact person by 4 p.m. on April 23, 2003.

Statutory Authority: §§ 62.1-44.17:1 and 62.1-44.15 of the Code of Virginia and 40 CFR Parts 9, 122, 123 and 412.

The agency intends to hold a public hearing on the proposed regulation after publication in the *Virginia Register*.

Public comments may be submitted until 5 p.m. on April 23, 2003.

Contact: Thomas S. Haley, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4443, FAX (804) 698-4032, or e-mail tshaley@deq.state.va.us.

VA.R. Doc. No. R03-138; Filed March 5, 2003, 8:55 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-192. Virginia Pollution Abatement General Permit for Confined Animal Feeding Operations.** The purpose of the proposed action is to reissue the existing Virginia Pollution Abatement General Permit for Confined Animal Feeding Operations, which expires November 16, 2004. This action may also amend the regulation, where applicable, to reflect changes to 40 CFR Parts 9, 122, 123 and 412, as published in the Federal Register (Volume 68, No. 29, dated February 12, 2003). This general permit governs the authorization to manage pollutants from confined animal feeding operations, including storage and land application of animal waste. This action is not related to implementation of the Federal CAFO Rule.

Notices of Intended Regulatory Action

Need: The current Virginia Pollution Abatement General Permit for Confined Animal Feeding Operations expires November 16, 2004. The use of a general permit provides permittees the authority to manage pollutants and allows for the protection of state waters while utilizing fewer resources of the Commonwealth. A site-specific nutrient management plan will be required for each individual operation covered by the general permit.

Substance: This action is primarily a reissuance of an existing general permit and amendments may be identified following the submittal of public comments on this notice, and may reflect recent changes to 40 CFR Parts 9, 122, 123, and 412.

Alternatives: There are two alternatives for compliance with the state requirements to permit the authorization to manage pollutants (animal waste and process wastewater) at confined animal feeding operations. One is to issue individual VPA permits to each operation. The other is to reissue the existing general VPA permit to cover this activity. Due to the magnitude of confined animal feeding operations that are required to be permitted, it is not practical to issue individual permits to each of these sites. Individual permits will only be issued to those sites that do not qualify to be permitted under the general permit.

Public Participation: The board is seeking comments on the intended regulatory action, including (i) ideas to assist in the development of a proposal, (ii) the costs and benefits of the alternatives stated in this notice or other alternatives, and (iii) impacts of the regulation on farm or forest lands. Anyone wishing to submit written comments for the public comment file may do so by mail, FAX, or e-mail to Scott Haley, Office of Water Permit Programs, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4443, FAX (804) 698-4032, e-mail tshaley@deq.state.va.us. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 4 p.m. on April 23, 2003.

Following publication of the draft general permit regulation in the *Virginia Register*, the board will hold at least one public hearing to provide opportunity for public comment.

Participatory Approach: The board is forming a technical advisory committee composed of relevant stakeholders to assist in the development of the general permit. Persons interested in participation on the advisory committee should provide their name, address, telephone number and the name of the organization they represent to the contact person by 4 p.m. on April 23, 2003.

The agency intends to hold a public hearing on the proposed regulation after publication in the *Virginia Register*.

Statutory Authority: § 62.1-44.15 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on April 23, 2003.

Contact: Scott Haley, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4432, FAX (804) 698-4032, or e-mail tshaley@deq.state.va.us.

VA.R. Doc. No. R03-139; Filed March 5, 2003, 8:54 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-400. Policy for Waste Treatment and Water Quality Management for the Dulles Area Watershed.** The purpose of the proposed action is to reformat the policy and revise as necessary to bring the policy up to date with current regulatory programs.

Purpose: The Policy for Waste Treatment and Water Quality Management for the Dulles Area Watershed (Policy) was adopted in 1975. The purpose of the regulation is to provide adequate sewage treatment for the affected area and simultaneously protect water quality at drinking water intakes on the Potomac River. The affected area is primarily northwestern Fairfax County and eastern Loudoun County. The policy is essentially a plan for regional sewage treatment for the Dulles area watersheds. It is composed of two parts:

- Long Range Policy for Waste Treatment and Water Quality Management in the Dulles Area Watershed
- Interim Plan for the Dulles Area Watershed

The long range policy specifies the development of two regional sewage treatment plants, the Leesburg STP and a proposed plant located on Broad Run near Dulles Airport a minimum of 10 miles from the nearest downstream drinking water intake. Both plants are subject to very stringent effluent limitations.

The interim plan allows the two plants to have temporary limits that are less stringent than those required by the long range policy.

In 1995 the Leesburg Plant began discharging directly to the Potomac River and therefore the discharge is now governed by Maryland regulations. The Loudoun County Service Authority is currently planning the construction of the Broad Run Plant.

Since its adoption, the regulation has been implemented such that no other new sewage treatment plant could be permitted in the affected watershed.

Need: The policy addresses a significant public health, safety, and welfare issue. Again, its purpose is to protect the drinking water intakes located on the Potomac River. The streams draining the Dulles area watershed enter the Potomac River near the withdrawal points for three major Washington area water utilities: Washington Aqueduct Division, Fairfax County Water Authority, and Washington Suburban Sanitary Commission. These utilities serve over 3 million people in Washington, D.C., and its surrounding suburbs in Northern Virginia and Maryland.

Sewage treatment discharges located upstream of drinking water intakes are not uncommon in Virginia. The Department of Health, Office of Water Programs (VDH), usually requires a minimum of five miles separation between a discharge and intake. When a discharge does occur to a public water supply, DEQ applies additional water quality standards (9 VAC 25-260-140) and VDH may require additional treatment.

Notices of Intended Regulatory Action

The net effect of the policy is to provide additional assurance that the drinking water supply is protected. The affected jurisdictions believe the statewide standards used by DEQ in preparing VPDES permits to protect water quality do not provide the level of assurance they believe is needed to protect their water supply.

Substance: The Department of Environmental Quality has received comments that the policy be reviewed and changed for two reasons:

1. To rewrite the policy so that it reads like a regulation. The policy currently reads like a planning document with language that requires much interpretation of its intent and instruction. As written, it is difficult for DEQ to implement. In rewriting the policy, it should be written to match current regulatory language with clear and concise requirements.
2. To reevaluate the effluent limits prescribed by the policy. The effluent limits in the policy were adopted over 25 years ago and they are outdated and unachievable with even the most advanced treatment technologies. The effluent limits do not reflect the current state of wastewater treatment and water quality management and should be changed to match the requirements of the Occoquan Policy, 9 VAC 25-410, a regulation that has worked well in protecting the Occoquan reservoir drinking water supply for the past 25 years.

Alternatives: The first alternative would be to do nothing and let the policy continue as it exists. This alternative would be detrimental to the affected local governments because it would hamper their abilities to provide adequate sewage collection and treatment.

A second alternative would be to repeal the policy. This would allow the watershed to be regulated as nearly all other waters, including public water supplies, in the Commonwealth. This approach would allow discharges that are now prohibited by the policy. DEQ believes the local jurisdictions, utilities, and citizens would object to a wholesale repeal of the policy.

Public Participation: The board is seeking comments on the intended regulatory action, including (i) ideas to assist in the development of a proposal, (ii) the costs and benefits of the alternatives stated in this notice or other alternatives and (iii) impacts of the regulation on farm or forest lands. Anyone wishing to submit written comments for the public comment file may do so at the public meeting, by mail, or by e-mail to Thomas A. Faha, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, e-mail tafaha@deq.state.va.us. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the close of the comment period.

A public meeting will be held and notice of the meeting can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

Participatory Approach: The board is using the participatory approach to develop a proposed rewrite of the regulation.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 62.1-44.15 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on April 30, 2003.

Contact: Thomas A. Faha, Department of Environmental Quality, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3846 or e-mail tafaha@deq.state.va.us.

TITLE 11. GAMING

VIRGINIA RACING COMMISSION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Racing Commission intends to consider amending regulations entitled: **11 VAC 10-70. Period of Authority.** The purpose of the proposed action is to amend the regulation to specify the period of appointment for stewards.

The agency intends to hold a public hearing on the proposed regulation after publication in the Virginia Register.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Public comments may be submitted until April 14, 2003.

Contact: William H. Anderson, Director of Policy and Planning, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418, or e-mail Anderson@vrc.state.va.us.

V.A.R. Doc. No. R03-116; Filed January 22, 2003, 11:09 a.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled: **12 VAC 5-200. Regulations Governing Eligibility Standards and Charges for Health Care Services to Individuals.** The purpose of the proposed action is to update the eligibility standards and requirements by which local health departments determine charges for health care services rendered to individuals.

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: §§ 32.1-11 and 32.1-12 of the Code of Virginia.

Notices of Intended Regulatory Action

Public comments may be submitted until March 28, 2003.

Contact: Douglas R. Harris, Adjudication Officer, Department of Health, Main Street Station, 1500 East Main St., Room 308, Richmond, Virginia 23219, telephone (804) 786-3554, FAX (804) 786-6776 or e-mail dharris@vdh.state.va.us.

VA.R. Doc. No. R03-119; Filed January 31, 2003, 7:46 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled: **12 VAC 5-230. State Medical Facilities Plan** and repealing regulations entitled **12 VAC 5-240. General Acute Care Services, 12 VAC 5-250. Perinatal Services, 12 VAC 5-260. Cardiac Services, 12 VAC 5-270. General Surgical Services, 12 VAC 5-280. Organ Transplantation Services, 12 VAC 5-290. Psychiatric and Substance Abuse Treatment Services, 12 VAC 5-300. Mental Retardation Services, 12 VAC 5-310. Medical Rehabilitation Services, 12 VAC 5-320. Diagnostic Imaging Services, 12 VAC 5-330. Lithotripsy Services, 12 VAC 5-340. Radiation Therapy Services, 12 VAC 5-350. Miscellaneous Capital Expenditures, and 12 VAC 5-360. Nursing Home Services.** The purpose of the proposed action is to develop a comprehensive revision to the State Medical Facilities Plan (12 VAC 5-230), consolidate provisions from 14 separate regulations, update current criteria with nationally accepted standards, and repeal chapters 12 VAC 5-240 through 12 VAC 5-360 of the Virginia Administrative Code.

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: §§ 32.1-12 and 32.1-102.2 of the Code of Virginia.

Public comments may be submitted until March 28, 2003.

Contact: Carrie Eddy, Senior Policy Analyst, Center for Quality Health Care Services, Department of Health, 3600 W. Broad Street, Suite 216, Richmond, Virginia 23230, telephone (804) 367-2157, FAX (804) 367-2149 or e-mail cceddy@vdh.state.va.us.

VA.R. Doc. No. R03-117; Filed January 23, 2003, 9:46 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR CONTRACTORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Contractors intends to consider amending regulations entitled: **18 VAC 50-22. Board for Contractors Regulations.** The purpose of the proposed action is to amend the current regulations to reflect statutory changes, respond to changes in the industry and revise language for clarity and ease of use.

The agency intends to hold a public hearing on the proposed regulation after publication in the Virginia Register.

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Public comments may be submitted until March 26, 2003.

Contact: Eric L. Olson, Assistant Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, or e-mail olson@dpor.state.va.us.

VA.R. Doc. No. R03-118; Filed January 29, 2003, 1:02 p.m.

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text.
Language which has been stricken indicates proposed text for deletion.

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICE SERVICES BOARD

Title of Regulation: **6 VAC 20-171. Regulations Relating to Private Security Services (amending 6 VAC 20-171-10, 6 VAC 20-171-20, 6 VAC 20-171-30, 6 VAC 20-171-50 through 6 VAC 20-171-150, 6 VAC 20-171-170 through 6 VAC 20-171-200, 6 VAC 20-171-220, 6 VAC 20-171-230, 6 VAC 20-171-240, 6 VAC 20-171-250 through 6 VAC 20-171-280, 6 VAC 20-171-300, 6 VAC 20-171-310, 6 VAC 20-171-320, 6 VAC 20-171-330 through 6 VAC 20-171-400, 6 VAC 20-171-420, 6 VAC 20-171-430, 6 VAC 20-171-440, 6 VAC 20-171-480, 6 VAC 20-171-500, 6 VAC 20-171-510, 6 VAC 20-171-540, and 6 VAC 20-171-560; repealing 6 VAC 20-171-40).**

Statutory Authority: § 9.1-141 of the Code of Virginia.

Public Hearing Date: June 12, 2003 - 9 a.m.

Public comments may be submitted until May 23, 2003.
(See Calendar of Events section
for additional information)

Agency Contact: Lisa R. Hahn, Private Security Services Chief, Department of Criminal Justice Services, 805 E. Broad Street, Richmond, VA 23219, telephone (804) 225-2356, FAX (804) 786-6344 or e-mail lhahn@dcjs.state.va.us.

Basis: The legal authority to review, amend, or revise regulations relating to private security services is found in § 9.1-141 of the Code of Virginia.

Purpose: The purpose of the regulations is to amend and revise the rules mandating and prescribing standards, requirements, and procedures that serve to protect the citizens of the Commonwealth from unqualified, unscrupulous, and incompetent persons engaging in the activities of private security services. A public hearing will be held during the promulgation process and participation from the private security services industry will be strongly encouraged. These amendments incorporate changes that continue to protect the public safety and welfare, amend specific fees to regulated individuals and allow the agency to more expeditiously license and certify individuals and businesses who have fulfilled application requirements.

Substance: Fee changes are proposed that contain increases and decreases to the private security industry. The net effect will be increased revenue. During the last regulatory promulgation, many licensure fees were decreased and some categories were allowed a discounted rate if paid for two years of renewal instead of annual payment. The fee changes proposed in these regulations will restore the actual fees first set when the program was established in 1993. These fees

will allow proper licensure, training and enforcement of regulatory requirements.

The proposed regulations place registration, certification and licenses on a two-year cycle. This simplifies the process, helps reduce industry confusion, and reduces staff processing time now spent on annual renewals.

The regulations are divided into Part I through Part VI along with each accompanying article(s) for clarity.

A requirement of United States citizenship or status as a legal resident alien of the United States is being added. The private security industry, the Federal Bureau of Investigation, and the State Police pointed out this as a breach of security in our current certification, registration and licensure system. There is currently no requirement that the applicant submits documentation that they are here legally in the United States. Once an individual applies and becomes certified or registered with Private Security Services, they are given a certification letter that they take to the Department of Motor Vehicles to receive a photo identification card. The certification and official photo identification allows individuals to protect our airports, our nuclear plants, our military bases, etc. This requirement is necessary to protect our citizens in the Commonwealth of Virginia. We have verified with the Attorney General's office that "legal resident alien" is the proper term to utilize.

Effective January 1, 2003 (§ 9.1-145 of the Code of Virginia), fingerprints are required on all unarmed security officers. This change is included in the regulations. The requirement for the Virginia State Police Form 167 criminal history records search is eliminated. The VSP167 was only a Virginia records check and was not a fingerprint-based check. The change will also shift the responsibility from the business owner to the department to review all fingerprint cards for approval or denial.

The reinstatement period is reduced from 90 days to 30 days. The regulations state that if a certification, registration or license is not renewed on time it shall become null and void. Any person that continues to provide these services without valid credentials is breaking the law pursuant to § 9.1-149 (class one misdemeanor). The reinstatement period is designed for situations where someone may have forgotten to renew on time. All other emergency-type situations are adequately covered in the regulations. Therefore, 30 days is an adequate reinstatement time period.

Administrative and standard of conduct requirements have been added to address some inadequacies in our current regulations. This is a result of several disciplinary cases reported to our department that were serious in nature, but the regulations did not contain any specific language that could be applied to the alleged violations.

The remainder of the changes are not substantive; they are for clarification.

Issues: The advantages that these regulations provide to the general public are that they (i) set forth standards, procedures, and requirements that serve to protect the safety and welfare of the general public from deceptive or misleading private security services business practitioners and (ii) secure the public safety and welfare against incompetent, unscrupulous and unqualified persons by establishing methods of licensure, registration and certification that serve to enhance the competency of persons performing or engaged in the activities of private security services.

A possible disadvantage of these regulations is that the program it prescribes receives no moneys from the General Fund; therefore, the cost to administer the program must be absorbed by the affected entities.

Fiscal Impact: The costs of the private security services program are not being covered by the current fee structure. The Code of Virginia requires this program to be self-sufficient; therefore, the fees must be increased to adequately cover the cost of the program.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The General Assembly states in § 9.1-141 of the Code of Virginia that the Private Security Services Advisory Board may adopt, review, amend, or revise regulations pertaining to private security services. Specifically, the Code of Virginia allows the board to establish compulsory minimum standards, including entry-level, in-service, and advanced training standards, for persons employed by private security service businesses and training schools. The Code of Virginia also allows the Private Security Services Advisory Board to levy and collect fees in order to recover all expenses incurred in the administration and operation of a program of licensure, registration, and certification for private security service businesses and training schools.

The regulation proposes the following changes: (i) modifies the fee schedule, including standardizing the length of time for which all licenses, registrations, and certifications other than firearms endorsements are issued or renewed to two years, introducing new fees for business license categories and firearms endorsements, and changing the fee structure by increasing fees for some license, registration, and certification categories and decreasing them for others; (ii) increases the hours of entry-level training required for certain categories of registration and certification; (iii) adds a requirement that all individuals applying for a license, registration, or certification

under this regulation be U.S. citizens or legal resident aliens of the United States; (iv) requires all individuals applying for certification as unarmed security officers to submit fingerprints and pay a \$50 fingerprint processing fee; (v) reduces from 90 days to 30 days the time following the expiration of a license, registration, or certification within which renewal requests are to be submitted in order for the license, registration, or certification to be reinstated; and (vi) incorporates additional administration and standards of conduct requirements such as reducing from 30 days to 10 days the time that license-, registration-, or certification-holders have to report any instance of them or any employees working for them who are regulated under this chapter pleading guilty or being found guilty of committing a felony or a misdemeanor or violating the private security services statutes and regulations.

The regulation also adds language clarifying certain aspects of the regulation such as specifying that private security service businesses maintain documentation verifying their compliance with this regulation for no less than three years, incorporates changes that make the regulation consistent with current practice such as including fees that DCJS has been charging but are not currently in the regulation, and includes provisions that would allow for more effective enforcement of the regulation, such as laying out in more precise language the standards of conduct for license-, registration-, or certification-holders.

Estimated economic impact.

(1) The proposed regulation makes a number of modifications to the fee schedule for a license, registration, or certification issued by DCJS to a business or an individual in the private security services industry.

- The regulation standardizes the length of time for which licenses, registrations, and certifications (other than firearms endorsements, which are to be issued on an annual basis) are issued or renewed to two years. Under current policy, various categories of licenses, registrations, and certifications can be issued or renewed for varying lengths of time. For example, an initial business license and registration as an armed security officer can be issued for a maximum of one year, certification as an unarmed security officer can be issued for a maximum period of two years, and certification as a training school instructor can be issued for a maximum period of three years. The proposed regulation moves all licenses, registrations, and certifications to a two-year cycle.
- The regulation introduces new fees. Along with the initial business license fee or a business license renewal fee, businesses are now required to pay an additional business license category fee. There are nine categories of security services for which businesses may be licensed (armed security officers, unarmed security officers, armed couriers, unarmed couriers, private investigators, electronic security personnel, armored car personnel, personal protection specialists, and security canine handlers), and a single business license can cover more than one category of service. The proposed regulation includes an additional fee of \$50 per category to businesses seeking to obtain or renew a license for more

Proposed Regulations

than one category. The proposed regulation also requires individuals who carry or have access to firearms while on duty to get a firearms endorsement. Each endorsement is valid for one year and needs to be renewed at the end of that period. Under current policy, the firearms endorsement was included in the fees charged for registration/certification.

- The regulation increases the fees for some license, registration, and certification categories and decreases it for others. For example, the regulation reduces the fees charged for the issuance of an initial business license. An initial business license valid for two years will now cost \$800. Under current policy, an initial business license valid for one year and a one-year renewal of that license costs \$850. On the other hand, the regulation raises the fees for some activities. Unarmed security officers now have to pay a higher certification fee and a fingerprint processing fee in order to be certified.

According to DCJS, the changes to the fee schedule were proposed in order to streamline the operation of the private security services license, registration, and certification program and make the fees more consistent with the resources used in issuing or renewing a license, registration, or certification.

Changes to the fee schedule are likely to increase the revenues generated by the program. The increased revenues are intended to cover the costs of running the program. In fiscal years 2000, 2001, and 2002, average expenditure in connection with the administration of the private security services program was a little less than \$1.6 million. Average revenues over the same period were a little over \$1.4 million. The program faced a revenue shortfall of approximately \$130,000. Assuming the same number of licenses, registrations, and certifications are issued or renewed, the proposed regulation will increase revenues to approximately \$2.1 million. However, DCJS also expects program costs to be higher in the future. A number of additional requirements, such as fingerprinting applicants for certification as unarmed security officers (the administrative cost of DCJS aside, just the cost of having the state police run criminal history checks on all applicants for unarmed security officers is expected to add approximately \$237,000) and verifying that all applicants are U.S. citizens or legal resident aliens, are likely to raise the cost of administering the program. Moreover, according to DCJS, the private security services program is understaffed with a number of unfilled positions. DCJS expects that some of the additional revenue will be used to fill the vacant positions.

Businesses and individuals involved in the private security services industry have the potential to create serious public safety hazards as a result of conducting their activities in an improper or inappropriate manner. The aim of the private security services program is to enforce certain compulsory minimum standards for persons employed in the private security services industry and to reduce the risk to public safety from their activities. The cost of obtaining a license, registration, or certification can be viewed as part of the compliance cost incurred by a business or an individual to ensure that they do not jeopardize public safety. Current

program revenues fall short of expenditures by approximately \$130,000 (8.5% of the cost of running the program). Thus, businesses and individuals involved in the private security services industry are not paying the actual compliance cost associated with operating in a manner protective of public safety. Increasing the fees will transfer some or all of this cost to the private security services industry.

Transferring the cost will have a positive economic impact and result in more efficient use of resources. With some of the cost being subsidized by DCJS (and hence the taxpayers), businesses and individuals operating in the private security services industry are not paying costs commensurate with the risk posed to public safety from their activities. This could potentially result in more unsuitable and substandard businesses and individuals entering the industry than if fees reflected actual costs. Increasing fees such that they better reflect costs will ensure that businesses and individuals entering the industry are of a certain quality and the risk to public safety from their activities is kept at a level deemed appropriate.

(2) The proposed regulation increases the minimum number of hours of entry-level training required for certain categories of registration and certification. The regulation increases the hours of entry-level training for armed security officers from 24 to 40 hours, for armored car personnel from 20 to 26 hours, for unarmed security officers from 16 to 18 hours, for alarm respondents from 16 to 18 hours, and for security canine handlers from 28 to 30 hours. The core training requirements for all security officers (armed security officers, unarmed security officers, alarm respondents, and security canine handlers) have been reorganized and increased by two hours. Entry-level handgun training requirements (affecting armed security officers and armored car personnel) have also been reorganized (to include additional training categories such as dim light shooting familiarization) and increased by six hours. Additional training sessions on arrest powers, policies, and procedures have increased the entry-level training for armed security officers by another eight hours.

The additional entry-level training requirements were based on the results of a job task analysis conducted by DCJS and the recommendations of an advisory committee made up of members of the regulated community. DCJS and the advisory committee believe that the additional training requirements, especially the dim light shooting familiarization requirement included in the handgun training requirements and the additional sessions on arrest powers, policies, and procedures for armed security guards, are necessary in order in order for security personnel to perform their duties in an appropriate manner. In the case of armed security officers, DCJS considered the 16-hour increase in entry-level training to 40 hours the minimum training necessary. Armed security officers are authorized to carry firearms and have the power to arrest individuals. A police officer with similar powers and responsibilities is required to undergo training for six months. The net economic impact of the proposed change will depend on whether the additional resources (in terms of time and money) spent in receiving the extra hours of training are greater than or less than the benefit (in terms of the improvement in public safety) of the extra hours of training.

(3) The proposed regulation requires all individuals applying for licenses, registrations, and certifications under this regulation to be U.S. citizens or legal resident aliens of the United States (a legal resident alien is defined by the U.S. Department of Justice as is a non-U.S. citizen currently residing in the United States in the following categories: permanent resident, conditional resident, and returning resident). The change is being proposed in order to prevent individuals in the United States illegally from being registered/certified to provide private security services. The lack of such a requirement in the current regulation has been identified by the FBI, the state police, and the private security services industry as a potential source of security breaches. Individuals who obtain registration/certification under this regulation receive a state-issued photo identification card that can then be used for many purposes including opening a bank account and applying for a driver's license. Not checking whether these individuals are in the United States legally provides a loophole for illegal immigrants to seek and obtain state-issued identification. The proposed change closes the loophole.

The proposed change is likely to have a positive economic impact by closing the existing loophole and ensuring better enforcement of U.S. immigration laws. It is not likely to have any significant negative consequences as the proposed change will only affect individuals in the United States illegally and such individuals are anyway not allowed to work under U.S. immigration laws.

(4) The proposed regulation requires all individuals applying for certification as unarmed security officers to submit fingerprints. Section 9.1-145 of the Code of Virginia mandates that all applicants for initial licensure, registration, or certification to operate in the private security services industry submit fingerprints in order to enable DCJS to conduct a criminal records search. Under current policy, all applicants for an initial license, registration, or certification other than unarmed security officers are required to submit fingerprints. The proposed change will require that unarmed security officers also be fingerprinted.

In fiscal years 2000, 2001, and 2002, DCJS received an average 6,390 applications for initial certification as an unarmed security officer. These applicants will now have to undergo a criminal background check and pay a \$50 fingerprint processing fee. DCJS will generate an additional 319,500 per year in revenues from the initial certification of unarmed security officers and incur an additional \$236,430 in costs from running background checks.

The proposed regulation increases the cost of getting certified as an unarmed security officer three-fold (the initial certification fee is \$25). However, using fingerprints to run criminal history checks will better enable DCJS to weed out unsuitable applicants. The net economic impact of the proposed change will depend on whether the additional cost of getting certified is greater than or less than the benefits from being able to perform criminal history checks.

(5) The proposed regulation reduces the time following the expiration of a license, registration, or certification within which renewal requests are to be submitted in order for the license, registration, or certification to be reinstated. Following the

expiration of a license/registration/certification, businesses and individuals are given a grace period within which they can get their license/registration/certification reinstated. Once the grace period has passed, they are then required to apply for an initial license/registration/certification. The proposed regulation shortens the reinstatement period from 90 days to 30 days.

Shortening the reinstatement period is not likely to have a significant economic impact. DCJS believes that 30 days is more than adequate time for a business or individual to apply for reinstatement. Moreover, the shorter reinstatement period is not likely to impose an additional burden on businesses and individuals licensed, registered, or certified under this regulation. As none of these businesses or individuals can operate during the reinstatement period following the expiration of their license, their incentive will be to get reinstated as soon as possible. Thus, shortening the reinstatement period is likely to have little, if any, impact on them.

(6) The proposed regulation incorporates additional administration and standards of conduct requirements such as reducing the time that license-, registration-, or certification-holders have to report any instance of them or any employees working for them who are regulated under this chapter pleading guilty or being found guilty of committing a felony or a misdemeanor or violating the private security services statutes and regulations. The reporting period is reduced from 30 days to 10 days. As these convictions are required to be reported under current policy, shortening the time within which they have to be reported is not likely to impose any additional cost on the regulated community. In fact, to the extent that the proposed change makes DCJS information more up-to-date and allows for better implementation and enforcement of the regulation, it is likely to have a small positive economic impact.

Businesses and entities affected. The proposed regulation will affect all businesses, training schools, and individuals licensed, registered, or certified to operate in the private security services industry. The regulation modifies the fee structure for the issuance and renewal of licenses, registrations, and certifications. It standardizes the length of time for which various categories of license, registration, and certification are issued or renewed to two years, introduces additional categories of fees, and changes the fee structure by raising the fees for some categories of license, registration, or certification and lowering the fees for others. The regulation increases the minimum hours of entry-level training required to be registered/certified as a security officer. The regulation requires all individuals working in the private security services industry to be U.S. citizens or legal resident aliens of the United States. As mandated by the Code of Virginia, the regulation requires all unarmed security officers applying for initial certification to submit their fingerprints and pay an additional \$50 fingerprint processing fee. The regulation also shortens both the reinstatement period for businesses and individuals following the expiration of their license/registration/certification and the period within which felony or misdemeanor convictions of any individual regulated under this chapter are to be reported.

Proposed Regulations

Localities particularly affected. The proposed regulation will affect all localities in the Commonwealth.

Projected impact on employment. The proposed regulation is likely to have some negative impact on employment in the security services industry. Higher fees for some categories of registration and certification, additional categories of fees, and extra hours of entry-level training are likely to make it more expensive to be registered/certified under this regulation. While training school instructors (who account for less than 0.5% of all registration/certification issuances and renewals) will find it cheaper to renew their certification under this regulation, unarmed security guards (who account for 26% of all registration/certification issuances and renewals) applying for initial certification will be required to pay an additional \$50 fee for fingerprint processing and spend two extra hours getting entry-level training. Armed security guards will be required to spend an extra 16 hours getting entry-level training.

Effects on the use and value of private property. The proposed regulation is likely to increase the cost of operation of businesses and training schools in the private security services industry. The additional business license category fees and the higher cost associated with hiring registered/certified individuals to carry out security functions are likely to raise the cost of operation. However, some private firms and training schools will benefit from lower business license issuance fees. Overall, the proposed regulation is likely to raise the costs of operation and lower the asset value of private firms and training schools engaged in this business. It will also tend to somewhat increase the costs that firms and individuals pay for private security services.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Criminal Justice Services, Private Security Section, concurs with the economic impact analysis as reviewed by the Department of Planning and Budget.

Summary:

The proposed amendments are as follows:

- 1. Modify private security industry fees.*
- 2. Increase the standard length of time that certifications, registrations and licenses are issued from one to two years.*
- 3. Increase the hours of training required for entry level for some certification and registration categories.*
- 4. Add a requirement that all individuals applying for a license, registration, or certification be United States citizens or legal resident aliens of the United States.*
- 5. Require unarmed security officers to submit their fingerprints to the department to conform to a legislative change from the 2002 Session of the General Assembly.*
- 6. Reduce the reinstatement period from 90 days to 30 days.*
- 7. Amend administrative and standard of conduct requirements such as reducing the number of days a regulant must report a felony or misdemeanor conviction from 30 days to 10 days.*

8. Add clarifying language such as specifying the number of years that a private security service businesses maintain documentation.

9. Incorporate changes that will make the regulation consistent with current practice such as including fees that DCJS has been charging but are not currently in the regulations, and include provisions that would allow for more effective enforcement of the regulation, such as laying out in more precise language the standards of conduct for license, registration or certificate holders.

6 VAC 20-171-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Administrative Process Act" means Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Alarm respondent" means a natural person who responds to the signal of an alarm for the purpose of detecting an intrusion of the home, business or property of the end user.

"Armed" means a private security registrant who carries or has immediate access to a firearm in the performance of his duties.

"Armed security officer" means a security officer, as defined in this section, who carries or has immediate access to a firearm in the performance of his duties.

"Armored car personnel" means persons who transport or offer to transport under armed security from one place to another money, negotiable instruments or other valuables in a specially equipped motor vehicle with a high degree of security and certainty of delivery.

"Assistant training director" means a certified instructor designated by a private security training school director to submit training school session notifications and training rosters and perform administrative duties in lieu of the director.

"Board" means the Criminal Justice Services Board or any successor board or agency.

"Business advertising material" means display advertisements in telephone directories, letterhead, business cards, local newspaper advertising and contracts.

"Central station dispatcher" means a natural person who monitors burglar alarm signal devices, burglar alarms or any other electrical, mechanical or electronic device used to prevent or detect burglary, theft, shoplifting, pilferage or similar losses; used to prevent or detect intrusion; or used primarily to summon aid for other emergencies.

"Certification" means a method of regulation indicating that qualified persons have met the minimum requirements as private security services training schools, private security services instructors, compliance agents, unarmed security officers, electronic security employees, or electronic security technician's assistants.

"Certified training school" means a training school ~~which provides instruction in at least the minimum training mandated~~

~~and~~ *that* is certified by the department for the specific purpose of training private security services business personnel *in at least one category of the compulsory minimum training standards.*

"Class" means a block of instruction no less than 50 minutes in length on a particular subject.

"Combat ~~lead~~ loading" means tactical loading of shotgun while maintaining coverage of threat area.

"Compliance agent" means a natural person who is an owner of, or employed by, a licensed private security services business. The compliance agent shall assure the compliance of the private security services business with all applicable requirements as provided in § 9.1-139 of the Code of Virginia.

"Courier" means any armed person who transports or offers to transport from one place to another documents or other papers, negotiable or nonnegotiable instruments, or other small items of value that require expeditious service.

"Date of hire" means the date any employee of a private security services business or training school ~~provides~~ performs services regulated or required to be regulated by the department.

"Department" or "DCJS" means the Department of Criminal Justice Services or any successor agency.

"Director" means the chief administrative officer of the department.

"Electronic security business" means any person who engages in the business of or undertakes to (i) install, service, maintain, design or consult in the design of any electronic security equipment to an end user; (ii) respond to or cause a response to electronic security equipment for an end user; or (iii) have access to confidential information concerning the design, extent, status, password, contact list, or location of an end user's electronic security equipment.

"Electronic security employee" means a natural person who is employed by an electronic security business in any capacity which may give him access to information concerning the design, extent, status, password, contact list, or location of an end user's electronic security equipment.

"Electronic security equipment" means electronic or mechanical alarm signaling devices, including burglar alarms or holdup alarms or cameras used to detect intrusion, concealment or theft. This shall not include tags, labels, and other devices which are attached or affixed to items offered for sale, library books, and other protected articles as part of an electronic article surveillance and theft detection and deterrence system.

"Electronic security sales representative" means a natural person who sells electronic security equipment on behalf of an electronic security business to the end user.

"Electronic security technician" means a natural person who installs, services, maintains or repairs electronic security equipment.

"Electronic security technician's assistant" means a natural person who works as a laborer under the supervision of the

electronic security technician in the course of his normal duties, but who may not make connections to any electronic security equipment.

"Employed" means an employer/employee relationship where the employee is providing work in exchange for compensation and the employer directly controls the employee's conduct and pays taxes on behalf of the employee. The term "employed" shall not be construed to include independent contractors.

"Employee" means a natural person employed by a licensee to ~~provided~~ perform private security services that are regulated by the department.

"End user" means any person who purchases or leases electronic security equipment for use in that person's home or business.

"Engaging in the business of providing or undertaking to provide private security services" means any person who solicits business within the Commonwealth of Virginia through advertising, business cards, submission of bids, contracting, public notice for private security services, directly or indirectly, or by any other means.

"Firearms endorsement" means that an individual is registered as a private security registrant and has successfully completed the annual firearms training.

"Firearms training verification" means verification of successful completion of either initial or retraining requirements for handgun or shotgun training, or both.

"Firm" means a business entity, regardless of method of organization, applying for a private security services business license or for the renewal or reinstatement of same.

"Incident" means an event ~~which~~ that exceeds the normal extent of one's duties.

"In-service training requirement" means the compulsory in-service training standards adopted by the Criminal Justice Services Board for private security services business personnel.

"License number" means the official number issued to a private security services business licensed by the department.

"Licensed firm" means a business entity, regardless of method of organization, which holds a valid private security services business license issued by the department.

"Licensee" means a licensed private security services business.

"Locksmith security equipment" means mechanical, electrical or electro-mechanical locking devices for the control of ingress or egress that do not primarily detect intrusion, concealment and theft.

"On duty" means ~~that~~ the time during which private security services business personnel receives or are entitled to receive compensation for employment for which a registration or certification is required.

"Performance of his duties" means on duty in the context of this chapter.

Proposed Regulations

"Person" means any individual, group of individuals, firm, company, corporation, partnership, business, trust, association, or other legal entity.

"Personal protection specialist" means any natural person who engages in the duties of providing close protection from bodily harm to any person.

"Physical address" means the location of the building that houses the entity for a private security services business or training school, or the location where the individual principals of a business reside. A post office box is not a physical address.

"Principal" means any sole proprietor, individual listed as an officer or director with the Virginia State Corporation Commission, board member of the association, or partner of a licensed firm or applicant for licensure.

"Private investigator" means any natural person who engages in the business of, or accepts employment to make, investigations to obtain information on (i) crimes or civil wrongs; (ii) the location, disposition, or recovery of stolen property; (iii) the cause of accidents, fires, damages, or injuries to persons or to property; or (iv) evidence to be used before any court, board, officer, or investigative committee.

"Private security services business" means any person engaged in the business of providing, or who undertakes to provide, armored car personnel, security officers, personal protection specialists, private investigators, couriers, security canine handlers, alarm respondents, central station dispatchers, electronic security employees, electronic security sales representatives or electronic security technicians and their assistants to another person under contract, express or implied.

"Private security services business personnel" means each employee of a private security services business who is employed as an unarmed security officer, armed security officer/courier, armored car personnel, security canine handler, private investigator, personal protection specialist, alarm respondent, central station dispatcher, electronic security employee, electronic security sales representative, electronic security technician or electronic security technician's assistant.

"Private security services instructor" means any natural person certified by the department to provide mandated instruction in private security subjects for a certified private security services training school.

"Private security services registrant" means any qualified natural person who has met the requirements under this chapter to perform the duties of alarm respondent, armored car personnel, central station dispatcher, courier, electronic security sales representative, electronic security technician, personal protection specialist, private investigator, security canine handler, or armed security officer.

"Private security services training school" means any person certified by the department to provide instruction in private security subjects for the training of private security services business personnel in accordance with this chapter.

"Reciprocity" means the relation existing between Virginia and any other state, commonwealth or providence as established by agreements approved by the board.

"Recognition" means the relation of accepting various application requirements between Virginia and any other state, commonwealth or providence as established by agreements approved by the board.

"Registration" means a method of regulation which identifies individuals as having met the minimum requirements for a particular registration category as set forth in this chapter.

"Registration category" means any one of the following categories: (i) armed security officer/courier, (ii) security canine handler, (iii) armored car personnel, (iv) private investigator, (v) personal protection specialist, (vi) alarm respondent, (vii) central station dispatcher, (viii) electronic security sales representative, or (ix) electronic security technician.

"Security canine" means a dog that has attended, completed, and been certified as a security canine by a certified security canine handler instructor in accordance with approved department procedures and certification guidelines. "Security canine" shall not include detector dogs.

"Security canine handler" means any natural person who utilizes his security canine in the performance of private security duties.

"Security canine team" means the security canine handler and his security canine performing private security duties.

"Security officer" means any natural person employed by a private security services business to (i) safeguard and protect persons and property or (ii) prevent theft, loss, or concealment of any tangible or intangible personal property on the premises contracted to protect.

"Session" means a group of classes comprising the total hours of mandated training in any of the following categories: unarmed security officer, armed security officer/courier, personal protection specialist, armored car personnel, security canine handler, private investigator, alarm respondent, central station dispatcher, electronic security sales representative, electronic security technician, electronic security technician's assistant or compliance agent.

"Supervisor" means any natural person who directly or indirectly supervises registered or certified private security services business personnel.

"This chapter" means the Regulations Relating to Private Security Services (6 VAC 20-171) as part of the Virginia Administrative Code.

"Training certification" means verification of the successful completion of any training requirement established in this chapter.

"Training requirement" means any entry level, in-service, or firearms retraining standard established in this chapter.

"Training school director" means a natural person designated by a principal of a certified private security services training school to assure the compliance of the private security

services training school with all applicable requirements as provided in the Code of Virginia and this chapter.

"*Unarmed security officer*" means a security officer who does not carry or have immediate access to a firearm in the performance of his duties.

"*Uniform*" means any clothing with a badge, patch or lettering which clearly identifies persons to any observer as private security services business personnel, not law-enforcement officers.

6 VAC 20-171-20. Fees.

A. Schedule of fees. The fees listed below reflect the costs of handling, issuance, and production associated with administering and processing applications for licensing, registration, certification and other administrative requests for services relating to private security services.

CATEGORIES	FEES
Initial business license	\$600 \$800
Business license renewal.....	\$500
Renewal for one year	\$250
Renewal for two years.....	\$400
Business license category fee.....	\$50
Initial compliance agent certification (includes training)	\$100
Compliance agent certification renewal (includes training)	\$50
Initial registration.....	\$25
Registration renewal.....	\$20
Firearms endorsement (annual)	\$10
Initial training school.....	\$600 \$800
Training school renewal.....	\$500
Renewal for one year	\$250
Renewal for two years.....	\$400
Training school electronic roster submittal authorization.....	\$250 \$500
Initial instructor certification.....	\$100
Instructor certification renewal.....	\$75 \$50
Initial certification.....	\$20 \$25
Certification renewal	\$20
Application for training exemption	\$25
Fingerprint card processing	\$44 \$50
Additional registration categories category form.....	\$25 \$20
Replacement photo identification letter.....	\$15
Training completion roster form	\$20 \$30
General instructor development course	\$300
General instructor in-service training.....	\$50
Firearms instructor development course.....	\$300
Firearms instructor in-service training.....	\$50
Technical assistant training.....	\$50

B. Reinstatement fee.

1. The department shall collect a reinstatement fee for registration, license, or certification renewal applications not received on or before the expiration date of the expiring registration, license, or certification.

2. The reinstatement fee shall be 50% above and beyond the renewal fee of the registration, license, certification, or any other credential issued by the department wherein a fee is established and renewal is required.

C. Dishonor of fee payment due to nonsufficient funds.

1. The department may suspend the registration, license, certification, or authority it has granted any person, licensee or registrant who submits a check or similar instrument for payment of a fee required by statute or regulation which is not honored by the financial institution upon which the check or similar instrument is drawn.

2. The suspension shall become effective upon receipt of written notice of the dishonored payment. Upon notification of the suspension, the person, registrant or licensee may request that the suspended registration, license, certification, or authority be reinstated, provided payment of the dishonored amount plus any penalties or fees required under the statute or regulation accompany the request. Suspension under this provision shall be exempt from the Administrative Process Act.

6 VAC 20-171-30. Fingerprint processing.

A. *On or before the first day of hire*, each person applying for licensing as a private security services business, *including principals, supervisors, and electronic security employees*; certification as a private security services training school; certification as a compliance agent or instructor; a private security registration or private security certification ~~in a category requiring a fingerprint-based criminal history records search~~ shall submit to the department:

1. ~~His fingerprints on one~~ Two completed ~~set~~ sets of ~~two~~ fingerprint fingerprints on cards provided by the department or another electronic method approved by the department;
2. A fingerprint processing application; and
3. The applicable, nonrefundable fee for each set; and
4. All criminal history conviction information on a form provided by the department.

B. The department shall submit those fingerprints to the Virginia State Police for the purpose of conducting a Virginia Criminal History Records search and a National Criminal Records search to determine whether the individual or individuals have a record of conviction.

C. Fingerprints cards found to be unclassifiable will be returned to the applicant. Action on the application will be suspended pending the resubmittal of classifiable fingerprint cards. The applicant shall be so notified in writing and shall submit new fingerprint cards and the applicable, nonrefundable fee to the department before the processing of his application shall resume. However, no such fee may be required if the rejected fingerprint cards are included and attached to the new fingerprint cards when resubmitted and the department is not assessed additional processing fees.

D. If the applicant is denied by DCJS, the department will notify the applicant by letter regarding the reasons for the denial. The compliance agent will also be notified in writing by DCJS that the applicant has been denied.

Proposed Regulations

6 VAC 20-171-40. ~~Virginia State Police Form 167 (VSP-167). (Repealed.)~~

~~A. On or before the date of hire of any individual as an unarmed security officer, a business must submit a Virginia State Police Form 167 to the Virginia State Police for the purposes of a criminal history records search. The forms shall be requested from and maintained in accordance with the requirements of the Virginia State Police. In addition, the business will ensure the criminal history records are:~~

- ~~1. Reviewed by the compliance agent of the business for the purposes of determining eligibility for employment according to department guidelines; and~~
- ~~2. Available for inspection by department personnel.~~

~~B. An individual for which the VSP-167 reports a record of conviction shall not be employed as an unarmed security officer without written approval from the department for any of the following convictions:~~

- ~~1. Any felony; or~~
- ~~2. Any misdemeanor involving moral turpitude within the previous five-year period.~~

~~C. To request written approval from the department, the individual shall:~~

- ~~1. Submit to the department a written request explaining the offense and identifying the licensee employing the individual; and~~
- ~~2. Provide copies of the record of conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction.~~

6 VAC 20-171-50. Initial business license application.

A. Prior to the issuance of a business license, the applicant shall meet or exceed the requirements of licensing and application submittal to the department as set forth in this section.

B. Each person seeking a license as a private security services business shall file a completed application provided by the department ~~to include~~ including:

1. For each principal and supervisor of the applying business, their fingerprints pursuant to 6 VAC 20-171-30;
2. Documentation verifying that the applicant has secured a surety bond in the amount of \$100,000 executed by a surety company authorized to do business in Virginia, or a certificate of insurance reflecting the department as a certificate holder, showing a policy of comprehensive general liability insurance with a minimum coverage of \$100,000 and \$300,000 issued by an insurance company authorized to do business in Virginia;
3. For each nonresident applicant for a license, on a form provided by the department, a completed irrevocable consent for the department to serve as service agent for all actions filed in any court in this Commonwealth;
4. For each applicant for a license as a private security services business ~~whose legal entity is a corporation or~~

~~limited liability company except sole proprietor or partnership~~, on a form provided by the department, the identification number issued by the Virginia State Corporation Commission for verification that the entity is authorized to conduct business in the Commonwealth;

5. A physical address in Virginia where records required to be maintained by the Code of Virginia and this chapter are kept and available for inspection by the department. A post office box is not a physical address;

6. On the license application, designation of at least one individual as compliance agent who is not designated as compliance agent for any other licensee, and who is certified or eligible for certification pursuant to 6 VAC 20-171-70; ~~and~~

7. The applicable, nonrefundable license application fee; ~~and~~

8. *Designation on the license application of the type of private security business license the applicant is seeking. The initial business license fee includes one category. A separate fee will be charged for each additional category. The separate categories are identified as follows: security officers/couriers (armed and unarmed), private investigators, electronic security, armored car, personal protection specialists, and security canine handlers. Alarm respondents crossover into both the security officer and electronic security category; therefore, if an applicant is licensed in either of these categories, he can provide this service without purchasing an additional category.*

C. Upon completion of the initial license application requirements, the department may issue an initial license for a period not to exceed ~~42~~ 24 months.

D. The department may issue a letter of temporary licensure to businesses seeking licensure under § 9.1-139 of the Code of Virginia for not more than 120 days while awaiting the results of the state and national fingerprint search conducted on the principals and compliance agent of the business, provided the applicant has met the necessary conditions and requirements.

E. A new license is required whenever there is any change in the ownership or ~~manner~~ type of organization of the licensed entity that results in the creation of a new legal entity.

F. Each license shall be issued to the legal business entity named on the application, whether it be a sole proprietorship, partnership, corporation, or other legal entity, and shall be valid only for the legal entity named on the license. No license shall be assigned or otherwise transferred to another legal entity, with the exception of a sole proprietorship *or partnership* that incorporates to form a new corporate entity where the initial licensee remains as a principal in the newly formed corporation. This exception shall not apply to any existing corporation that purchases the business or assets of an existing sole proprietorship.

G. Each licensee shall comply with all applicable administrative requirements and standards of conduct and shall not engage in any acts prohibited by applicable sections of the Code of Virginia and this chapter.

H. Each licensee shall be a United States citizen or legal resident alien of the United States.

6 VAC 20-171-60. Renewal license application.

A. Applications for license renewal should be received by the department at least 30 days prior to expiration. The department will provide a renewal notification to the last known mailing address of the licensee. However, if a renewal notification is not received by the licensee, it is the responsibility of the licensee to ensure renewal requirements are filed with the department. License renewal applications received by the department after the expiration date shall be subject to all applicable, nonrefundable renewal fees plus reinstatement fees. *Outstanding fees or monetary penalties owed to DCJS must be paid prior to issuance of said renewal.*

~~B. Applicants for license renewal shall have the option of renewing. Licenses will be renewed for either a period not to exceed 12 months or a period not to exceed 24 months.~~

C. The department may renew a license when the following are received by the department:

1. A properly completed renewal application;
2. Documentation verifying that the applicant has secured and maintained a surety bond in the amount of \$100,000 executed by a surety company authorized to do business in Virginia, or a certificate of insurance reflecting the department as a certificate holder, showing a policy of comprehensive general liability insurance with a minimum coverage of \$100,000 and \$300,000 issued by an insurance company authorized to do business in Virginia;
3. *Fingerprint records for any new or additional principals submitted to the department within 30 days of their hire date pursuant to 6 VAC 20-171-30 provided, however, that any change in the ownership or type of organization of the licensed entity has not resulted in the creation of a new legal entity pursuant to 6 VAC-20-171-50;*
- ~~3.~~ 4. On the application, designation of at least one compliance agent who has satisfactorily completed all applicable training requirements; ~~and~~
- ~~4.~~ 5. The applicable, nonrefundable license renewal fee; ~~and~~
6. *Fingerprint records for each new and additional supervisor submitted to the department pursuant to § 9.1-139 H of the Code of Virginia.*

D. Each principal and compliance agent listed on the license renewal application shall be in good standing in every jurisdiction where licensed, registered or certified. This subsection shall not apply to any probationary periods during which the individual is eligible to operate under the license, registration or certification.

E. Any renewal application received after the expiration date of a license shall be subject to the requirements set forth by the reinstatement provisions of this chapter.

F. On the renewal application the licensee must designate the type of private security business license he wishes to renew. The fee will be based upon the category or categories

selected on the renewal application pursuant to 6 VAC 20-171-20.

6 VAC 20-171-70. Compliance agent training and certification.

A. Each person applying for certification as compliance agent shall meet the minimum requirements for eligibility:

1. Be a minimum of 18 years of age;
2. Have (i) three years of managerial or supervisory experience in a private security services business, a federal, state, or local law-enforcement agency, or in a related field or (ii) five years experience in a private security services business, with a federal, state or local law-enforcement agency, or in a related field; *and*
3. *Be a United States citizen or legal resident alien of the United States.*

B. Each person applying for certification as compliance agent shall file with the department:

1. A properly completed application provided by the department;
2. Fingerprint cards pursuant to 6 VAC 20-171-30;
3. Official documentation verifying that the individual has (i) three years of managerial or supervisory experience in a private security services business, a federal, state, or local law-enforcement agency, or in a related field or (ii) five years experience in a private security services business, with a federal, state or local law-enforcement agency, or in a related field; *and*
4. The applicable, nonrefundable application fee.

C. Following review of all application requirements, the department shall assign the applicant to an entry level compliance agent training session provided by the department, at which the applicant must successfully complete the applicable entry level compliance agent training requirements pursuant to this chapter and achieve a passing score of 80% on the compliance agent examination.

D. Following completion of the entry level training requirements, the compliance agent must complete in-service training pursuant to the compulsory minimum training standards set forth by this chapter.

E. Each compliance agent shall comply with all applicable administrative requirements and standards of conduct and shall not engage in any acts prohibited by applicable sections of the Code of Virginia and this chapter.

6 VAC 20-171-80. Initial training school application.

A. Prior to the issuance of a training school certification, the applicant shall meet or exceed the requirements of certification and application submittal to the department as set forth in this section.

B. Each person seeking certification as a private security services training school shall file a completed application provided by the department to include:

Proposed Regulations

1. For each principal of the applying training school, their fingerprints pursuant to 6 VAC 20-171-30;
2. Documentation verifying that the applicant has secured a surety bond in the amount of \$100,000 executed by a surety company authorized to do business in Virginia, or a certificate of insurance reflecting the department as a certificate holder, showing a policy of comprehensive general liability insurance with a minimum coverage of \$100,000 and \$300,000 issued by an insurance company authorized to do business in Virginia;
3. For each nonresident applicant for a training school, on a form provided by the department, a completed irrevocable consent for the department to serve as service agent for all actions filed in any court in this Commonwealth;
4. For each applicant for certification as a private security services training school ~~whose legal entity is a corporation or limited liability company except sole proprietor and partnership~~, on a form provided by the department, the identification number issued by the Virginia State Corporation Commission for verification that the entity is authorized to conduct business in the Commonwealth;
5. A physical address in Virginia where records required to be maintained by the Code of Virginia and this chapter are kept and available for inspection by the department. A post office box is not a physical address;
6. On the training school certification application, designation of at least one individual as training director who is not designated as training director for any other training school, and who is certified as an instructor pursuant to Article 5 (6 VAC 20-171-100 et seq.) of this part. A maximum of four individuals may be designated as an assistant training director;
7. A copy of the curriculum in course outline format for each category of training to be offered;
8. A copy of the training school regulations;
9. A copy of the training *completion* certificate to be used by the training school;
10. A copy of the range regulations if firearms training will be offered; and
11. The applicable, nonrefundable training school certification application fee.

C. When the department has received and processed a completed application and accompanying material, the department shall inspect the training facilities to ensure conformity with department policy, including an inspection of the firearms range, if applicable, to ensure conformity with the minimum requirements set forth by this chapter.

D. Upon completion of the initial training school application requirements, the department may issue an initial certification for a period not to exceed ~~42~~ 24 months.

E. The department may issue a letter of temporary certification to training schools for not more than 120 days while awaiting the results of the state and national fingerprint search conducted on the principals and training director of the

business, provided the applicant has met the necessary conditions and requirements.

F. A new certification is required whenever there is any change in the ownership or ~~manner~~ type of organization of the certified entity ~~which that~~ results in the creation of a new legal entity.

G. Each certification shall be issued to the legal entity named on the application, whether it be a sole proprietorship, partnership, corporation, or other legal entity, and shall be valid only for the legal entity named on the certification. No certification shall be assigned or otherwise transferred to another legal entity, with the exception of a sole proprietorship *or partnership* that incorporates to form a new corporate entity where the initial licensee remains as a principal in the newly formed corporation. This exception shall not apply to any existing corporation that purchases the training school or assets of an existing sole proprietorship.

H. Each certified training school shall comply with all applicable administrative requirements and standards of conduct and shall not engage in any acts prohibited by applicable sections of the Code of Virginia and this chapter.

6 VAC 20-171-90. Renewal training school application.

A. Applications for certification renewal should be received by the department at least 30 days prior to expiration. The department will provide a renewal notification to the last known mailing address of the certified training school. However, if a renewal notification is not received by the training school, it is the responsibility of the training school to ensure renewal requirements are filed with the department. Certification renewal applications received by the department after the expiration date shall be subject to all applicable, nonrefundable renewal fees plus reinstatement fees.

~~B. Applicants for~~ *Upon completion of the renewal training school application requirements, the department may issue a renewal* ~~shall have the option of renewing certification for either a period not to exceed 12 months or a period not to exceed 24 months.~~

C. The department may renew a certification when the following are received by the department:

1. A properly completed renewal application;
2. Documentation verifying that the applicant has secured and maintained a surety bond in the amount of \$100,000 executed by a surety company authorized to do business in Virginia, or a certificate of insurance reflecting the department as a certificate holder, showing a policy of comprehensive general liability insurance with a minimum coverage of \$100,000 and \$300,000 issued by an insurance company authorized to do business in Virginia;
3. On the application, designation of at least one certified instructor as training director who has satisfactorily completed all applicable training requirements; and
4. The applicable, nonrefundable certification renewal fee.

D. Each principal and instructor listed on the license renewal application shall be in good standing in every jurisdiction where licensed, registered or certified. This subsection shall

not apply to any probationary periods during which the individual is eligible to operate under the license, registration or certification.

E. Any renewal application received after the expiration date of a certification shall be subject to the requirements set forth by the reinstatement provisions of this chapter.

6 VAC 20-171-100. Initial instructor application.

A. Each person applying for certification as instructor shall meet the *following* minimum requirements for eligibility:

1. Be a minimum of 18 years of age;
2. Have a high school diploma or equivalent (GED);
3. Have *either* (i) successfully completed ~~an~~ a DCJS instructor development course, within the three years immediately preceding the date of the application, *or submitted a waiver application for an instructor development course* that meets or exceeds standards established by the department; ~~or successful completion of~~ (ii) *successfully completed* an approved DCJS instructor development program longer than three years prior to the date of application, and ~~has~~ provided *documented* instruction during the three years immediately preceding, ~~or has~~ provided *documented* instruction in a related field at an institution of higher learning;
4. Have a minimum of (i) three years management or supervisory experience with a private security services business or with any federal, military police, state, county or municipal law-enforcement agency, or in a related field; or (ii) five years general experience in a private security services business, with a federal, state or local law-enforcement agency, or in a related field; or (iii) ~~have a minimum of~~ one year experience as an instructor or teacher at an accredited educational institution or agency in the subject matter for which certification is requested, or in a related field; *and*
5. *Be a United State citizen or legal resident alien of the United States.*

B. Each person applying for certification as instructor shall file with the department:

1. A properly completed application provided by the department;
2. Fingerprint cards pursuant to 6 VAC 20-171-30;
3. Official documentation verifying that the applicant meets the minimum eligibility requirements pursuant to this section;
4. Official documentation verifying previous instructor experience, training, work experience and education for those subjects in which certification is requested. The department will evaluate qualifications based upon the justification provided; ~~and~~
5. The applicable, nonrefundable application fee; *and*
6. *Evidence of status as a United States citizen or legal resident alien of the United States.*

C. In addition to the instructor qualification requirements described in subsections A and B of this section, each applicant for certification as a firearms instructor shall submit to the department:

1. Official documentation that the applicant has successfully completed a DCJS firearms instructor school *or a waiver application with supporting documentation demonstrating completion of a firearms instructor school* specifically designed for law-enforcement or private security personnel that meets or exceeds standards established by the department within the three years immediately preceding the date of the instructor application.
2. Official documentation that the applicant has successfully qualified, with a minimum range qualification of 85%, with each of the following:
 - a. A revolver;
 - b. A semi-automatic handgun; and
 - c. A shotgun.

3. The firearms instructor training must have been completed within the three years immediately preceding the date of the instructor application; or in the event that the school completion occurred prior to three years, the applicant shall have provided firearms instruction during the three years immediately preceding the date of the instructor application.

D. Upon completion of the initial instructor application requirements, the department may issue an initial certification for a period not to exceed ~~36~~ 24 months.

E. The department may issue a letter of temporary certification to instructors for not more than 120 days while awaiting the results of the state and national fingerprint search provided the applicant has met the necessary conditions and requirements.

F. Each certification shall be issued to the individual named on the application and shall be valid only for use by that individual. No certification shall be assigned or otherwise transferred to another individual.

G. Each instructor shall comply with all applicable administrative requirements and standards of conduct and shall not engage in any acts prohibited by applicable sections of the Code of Virginia and this chapter.

6 VAC 20-171-110. Renewal instructor application.

A. Applications for certification renewal should be received by the department at least 30 days prior to expiration. The department will provide a renewal notification to the last known mailing address of the certified instructor. However, if a renewal notification is not received by the instructor, it is the responsibility of the instructor to ensure renewal requirements are filed with the department. Certification renewal applications received by the department after the expiration date shall be subject to all applicable, nonrefundable renewal fees plus reinstatement fees.

B. Each person applying for instructor certification renewal shall meet the minimum requirements for eligibility as follows:

Proposed Regulations

1. Successfully complete the in-service training *within 12 months immediately preceding the expiration date of the current certification* pursuant to the compulsory minimum training standards in Part V (6 VAC 20-171-350 et seq.) of this chapter; and

2. Be in good standing in every jurisdiction where licensed, registered or certified. This subdivision shall not apply to any probationary periods during which the individual is eligible to operate under the license, registration or certification.

C. The department may renew a certification for a period not to exceed ~~36~~ 24 months.

D. The department may renew a certification when the following are received by the department:

1. A properly completed renewal application provided by the department; and

2. The applicable, nonrefundable certification renewal fee.

E. Any renewal application received after the expiration date of a certification shall be subject to the requirements set forth by the reinstatement provisions of this chapter.

6 VAC 20-171-120. Initial registration application.

A. Individuals required to be registered, pursuant to § 9.1-139 C of the Code of Virginia, in the categories of armored car personnel, courier, armed security officer, security canine handler, private investigator, personal protection specialist, alarm respondent, central station dispatcher, electronic security sales representative or electronic security technician shall meet all registration requirements in this section. Prior to the issuance of a registration, the applicant shall meet or exceed the requirements of registration and application submittal to the department as set forth in this section. *Individuals who carry or have access to a firearm while on duty must have successfully completed the firearms training and have the qualifications to carry a firearm in the performance of their duties. If carrying concealed, the individual must have a valid concealed handgun permit.*

B. Each person applying for registration shall meet the minimum requirements for eligibility as follows:

1. Be a minimum of 18 years of age; ~~and~~

2. Successfully complete all initial training requirements for each registration category, *including firearms endorsement if applicable*, requested pursuant to the compulsory minimum training standards in Part V (6 VAC 20-171-350 et seq.) of this chapter; *and*

3. *Be a United States citizen or legal resident alien of the United States.*

C. Each person applying for registration shall file with the department:

1. A properly completed application provided by the department;

2. On the application, his ~~physical mailing address (a post office box is not a physical address);~~

3. Fingerprint cards pursuant to 6 VAC 20-171-30; and

4. The applicable, nonrefundable application fee.

D. Each person seeking *or required to seek* registration as alarm respondent, central station dispatcher, electronic security sales representative or electronic security technician may be employed for a period not to exceed 90 *consecutive* days *in any categories listed above* while completing the compulsory minimum training standards, provided:

1. Fingerprint cards have been submitted pursuant to 6 VAC 20-171-30; ~~and~~

2. The individual is not employed in excess of 120 days without having been issued a registration from the department; *and*

3. *The individual did not fail to timely complete the required training with previous employer(s).*

E. Upon completion of the initial registration application requirements, the department may issue an initial registration *letter* for a period not to exceed ~~42~~ 24 months. This registration *letter* shall be submitted by the applicant to the Virginia Department of Motor Vehicles *or other specified entity* for a *state-issued* photo identification card.

F. The department may issue a letter of temporary registration for not more than 120 days while awaiting the results of the state and national fingerprint search, provided the applicant has met the necessary conditions and requirements.

G. Each registration shall be issued to the individual named on the application and shall be valid only for use by that individual. No registration shall be assigned or otherwise transferred to another individual.

H. Each registered individual shall comply with all applicable administrative requirements and standards of conduct and shall not engage in any acts prohibited by applicable sections of the Code of Virginia and this chapter.

6 VAC 20-171-130. Renewal registration application.

A. Applications for registration renewal should be received by the department at least 30 days prior to expiration. The department will provide a renewal notification to the last known mailing address of the registered individual. However, if a renewal notification is not received by the individual, it is the responsibility of the individual to ensure renewal requirements are filed with the department. Registration renewal applications received by the department after the expiration date shall be subject to all applicable, nonrefundable renewal fees plus reinstatement fees.

B. Each person applying for registration renewal shall meet the minimum requirements for eligibility as follows:

1. Successfully complete the in-service training, and firearms retraining if applicable, pursuant to the compulsory minimum training standards set forth by this chapter; and

2. Be in good standing in every jurisdiction where licensed, registered or certified. This subdivision shall not apply to any probationary periods during which the individual is eligible to operate under the license, registration or certification.

C. The department may renew a registration when the following are received by the department:

1. A properly completed renewal application provided by the department;
2. For individuals applying for renewal ~~including with the category of armored car personnel, fingerprint cards submitted pursuant to 6 VAC 20-171-30; and~~
3. The applicable, nonrefundable registration renewal fee; *and*
4. *For individuals with firearms endorsements, evidence of completion of annual firearms retraining in accordance with 6 VAC 20-171-400.*

D. Upon completion of the renewal registration application requirements, the department may issue a registration *letter* for a period not to exceed ~~42~~ 24 months. This registration *letter* shall be submitted by the applicant to the Virginia Department of Motor Vehicles *or other specified entity* for a *state-issued photo identification card*.

E. Any renewal application received after the expiration date of a registration shall be subject to the requirements set forth by Article 9 (6 VAC 20-171-180 et seq.) of this part.

6 VAC 20-171-140. Initial certification application.

A. Individuals required to be certified in the categories of electronic security employee, electronic security technician's assistant and unarmed security officer shall meet all certification requirements of this section. Prior to the issuance of a certification, the applicant shall meet or exceed the requirements of certification and application submittal to the department as set forth in this section.

B. Each person applying for certification shall meet the minimum requirements for eligibility as follows:

1. Be a minimum of 18 years of age; ~~and~~
2. Successfully complete all initial training requirements, if applicable, for each certification category requested pursuant to the compulsory minimum training standards in Part V (6 VAC 20-171-350 et seq.) of this chapter; *and*
3. *Be a United States citizen or legal resident alien of the United States.*

C. Each person applying for certification shall file with the department:

1. A properly completed application provided by the department;
2. On the application, his ~~physical mailing address (a post office box is not a physical address);~~
3. Fingerprint cards pursuant to 6 VAC 20-171-30, if applicable; *and*
4. The applicable, nonrefundable application fee.

D. Individuals seeking certification as electronic security employees are not required to complete any compulsory minimum training.

E. Individuals seeking *or required to seek* certification as an electronic security technician's assistant may be employed *in said category* for a period not to exceed 90 *consecutive* days while completing the compulsory minimum training standards, provided:

1. Fingerprint cards have been submitted pursuant to 6 VAC 20-171-30; ~~and~~
2. The individual is not employed in excess of 120 days without having been issued a registration or certification from the department; *and*
3. *The individual did not fail to timely complete the required training with previous employer(s).*

F. Individuals seeking *or required to seek* certification as an unarmed security officer may be employed *in said category* for a period not to exceed 90 *consecutive* days while completing the compulsory minimum training standards, provided:

1. ~~A VSP-167 has~~ Fingerprint cards have been submitted pursuant to ~~6 VAC 20-171-40-6~~ 6 VAC 20-171-30; ~~and~~
2. The individual is not employed in excess of 120 days without having been issued a registration or certification from the department; *and*
3. *The individual did not fail to timely complete the required training with previous employer(s).*

G. Upon completion of the initial certification application requirements, the department may issue an initial certification *letter* for a period not to exceed 24 months. This certification *letter* shall be submitted by the applicant to the Virginia Department of Motor Vehicles *or other specified entity* for a *state-issued photo identification card*.

H. The department may issue a letter of temporary certification for not more than 120 days while awaiting the results of the state and national fingerprint search, if applicable, provided the applicant has met the necessary conditions and requirements.

I. Each certification shall be issued to the individual named on the application and shall be valid only for use by that individual. No certification shall be assigned or otherwise transferred to another individual.

J. Each certified individual shall comply with all applicable administrative requirements and standards of conduct and shall not engage in any acts prohibited by applicable sections of the Code of Virginia and this chapter.

6 VAC 20-171-150. Renewal certification application.

A. Applications for certification renewal should be received by the department at least 30 days prior to expiration. The department will provide a renewal notification to the last known mailing address of the certified individual. However, if a renewal notification is not received by the individual, it is the responsibility of the individual to ensure renewal requirements are filed with the department. Certification renewal applications received by the department after the expiration date shall be subject to all applicable, nonrefundable renewal fees plus reinstatement fees.

Proposed Regulations

B. Each person applying for certification renewal shall meet the minimum requirements for eligibility:

1. Successfully complete the applicable in-service training pursuant to the compulsory minimum training standards in Part V (6 VAC 20-171-350 et seq.) of this chapter; and
2. Be in good standing in every jurisdiction where licensed, registered or certified. This subdivision shall not apply to any probationary periods during which the individual is eligible to operate under the license, registration or certification.

C. The department may renew a certification when the following are received by the department:

1. A properly completed renewal application provided by the department; and
2. The applicable, nonrefundable certification renewal fee.

D. Upon completion of the renewal certification application requirements, the department may issue a certification *letter* for a period not to exceed 24 months. This certification *letter* shall be submitted by the applicant to the Virginia Department of Motor Vehicles *or other specified entity for a state-issued photo identification card*.

E. Any renewal application received after the expiration date of a certification shall be subject to the requirements set forth by Article 9 (6 VAC 20-171-180 et seq.) of this part.

6 VAC 20-171-170. Replacement photo identification *letter*.

Registered individuals seeking a replacement photo identification *letter* shall submit to the department:

1. A properly completed application provided by the department; and
2. The applicable, nonrefundable application fee.

6 VAC 20-171-180. Reinstatement.

A. Any business license, training school certification, instructor certification, registration or certification not renewed on or before the expiration date shall become null and void. Pursuant to the Code of Virginia, all such persons must currently be licensed, registered or certified with the department to provide private security services.

B. A renewal application *must be* received by the department within ~~90~~ 30 days following the expiration date of the license, registration or certification ~~may in order to~~ be reinstated by the department *providing all renewal requirements have been met*. Prior to reinstatement the following shall be submitted to the department:

1. The appropriate renewal application and completion of renewal requirements *including required training* pursuant to this chapter; and
2. The applicable, nonrefundable reinstatement fee pursuant to this chapter *and in accordance with 6 VAC 20-171-20 B*.

The department shall not reinstate renewal applications received after the 30-day reinstatement period has expired. It

is unlawful to operate without a valid registration or license including during reinstatement period.

The department shall not reinstate business licenses or training school certifications that have become null and void due to not maintaining required insurance or surety bond coverage.

C. No license, registration or certification shall be renewed or reinstated when all renewal application requirements are received by the department more than ~~90~~ 30 days following the expiration date of the license. After that date, the applicant shall meet all initial application requirements, *including applicable training requirements*.

D. Following submittal of all reinstatement requirements, the department will process and approve any application for reinstatement pursuant to the renewal process for the application.

6 VAC 20-171-190. Renewal extension.

A. An extension of the time period to meet renewal requirements may be approved only under specific circumstances which do not allow private security personnel, businesses, or training schools to complete the required procedures within the prescribed time period. The following are the only circumstances for which extensions may be granted:

1. Extended illness;
2. Extended injury;
3. Military or foreign service; or
4. Any emergency temporary assignment of private security personnel by the private security services business or training school for which he is employed, provided said assignment does not occur within the 120-day period immediately preceding the expiration date of the registration or certification.

B. A request for extension shall:

1. Be submitted *in writing, dated and signed by the individual or principal of a licensed entity* prior to the expiration date of the time limit required for completion of the requirements;
2. Indicate the projected date the person, business, or training school will be able to comply with the requirements; and
3. Include a copy of the physician's record of the injury or illness or a copy of the government orders.

C. No extension will be approved for registrations, certifications, or business licenses ~~which~~ *that* have expired.

D. Applications for additional extensions may be approved upon written request of the person, business, or training school.

E. The private security services person, business, or training school shall be nonoperational during the period of extension.

6 VAC 20-171-200. Denial, probation, suspension and revocation.

A. The department may deny a license, registration or certification in which any person or principal of an applying business has been convicted in any jurisdiction of any felony or of a misdemeanor involving moral turpitude, assault and battery, damage to real or personal property, controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, or firearms. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. The record of a conviction, authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted, shall be admissible as prima facie evidence of such conviction.

B. The department may deny a license, registration or certification in which any person or principal of an applying business *or training school* has not maintained good standing in every jurisdiction where licensed, registered or certified; or has had his license, registration or certification denied upon initial application, suspended, revoked, surrendered, or not renewed; or has otherwise been disciplined in connection with a disciplinary action prior to applying for licensing, registration or certification in Virginia.

C. Any false or misleading statement on any state application *or supporting documentation* is grounds for denial *or revocation* and may be subject to criminal prosecution.

D. The department may deny licensure to a firm for other just cause.

E. A licensee, training school, compliance agent, instructor, registered individual or certified individual shall be subject to disciplinary action for violations or noncompliance with the Code of Virginia or this chapter. Disciplinary action shall be in accordance with procedures prescribed by the Administrative Process Act. The disciplinary action may include but is not limited to a letter of censure, fine, probation, suspension or revocation ~~of the firm's private security services business license or his status as compliance agent.~~

6 VAC 20-171-220. Business administrative requirements.

A licensee shall:

1. Maintain at all times with the department its physical address in Virginia where records required to be maintained by the Code of Virginia and this chapter are kept and available for inspection by the department. A post office box is not a physical address. Such notification shall be in writing and received by the department no later than 10 days after the effective date of the change.

2. Maintain at all times with the department its current operating name. Any name change reports shall be submitted in writing within 10 days after the occurrence of such change and accompanied by certified true copies of the documents ~~which~~ *that* establish the name change.

3. Report in writing to the department any change in its ownership or principals ~~which~~ *that* does not result in the

creation of a new legal entity. Such written report shall be received by the department within 30 days after the occurrence of such change to include fingerprint cards pursuant to this chapter.

4. Report in writing to the department any change in the entity of the licensee that results in continued operation requiring a license. Such written report shall be received by the department within 10 days after the occurrence of such change.

5. Maintain at all times current liability coverage at least in the minimum amounts prescribed by the application requirements of this chapter. Failure of the business to do so shall result in the license becoming null and void.

6. Maintain at all times with the department a completed irrevocable consent for service if the licensee is not a resident of the Commonwealth of Virginia. Licensees that move their business from the Commonwealth shall file a completed irrevocable consent for services within 15 days of the change in location.

7. Employ at all times at least one individual designated as compliance agent who is ~~eligible for certification in good standing and is certified pursuant to this chapter~~ 6 VAC 20-171-70 and who is not currently designated as compliance agent for another licensee. *In the event there is more than one compliance agent designated for the business, designate one as the primary compliance agent and point of contact.*

8. *Maintain at all times the following documentation concerning all regulants: documentation of the date of hire in the regulated category, documentation that the fingerprint processing application was submitted on the date of hire, verification that the employee is a U.S. citizen or legal resident alien and is properly registered/certified and trained, current physical and mailing addresses for all regulated employees and telephone numbers if applicable.*

~~9. 9. Upon termination of employment of a certified compliance agent, notify the department in writing within 10 calendar days. Licensees employing unarmed security officers shall include with this notification the name of the individual responsible for review and maintenance of the VSP-167 forms during the period of compliance agent replacement.~~

~~9. 10. Within 90 days of termination of employment of the sole remaining compliance agent, submit the name of a new compliance agent who is eligible for certification pursuant to this chapter and who is not currently designated for another licensee. Individuals not currently eligible may pursue certification pursuant to Part III (6 VAC 20-171-30 et seq.) of this chapter. Such notification shall be in writing and signed by a principal of the business and the designated compliance agent.~~

~~10. 11. Prominently display at all times for public inspection, in a conspicuous place where the public has access, the business license issued by the department.~~

~~11. 12. Ensure that any individual employed as a supervisor all individuals submit fingerprint cards pursuant to 6 VAC 20-171-30 as required by the Code of Virginia.~~

Proposed Regulations

~~42- 13. Inform the department in writing within ~~30~~ 10 days of receiving knowledge of any principal, partner, officer, compliance agent or employee regulated or required to be regulated by this chapter pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor involving moral turpitude,, assault and battery, damage to real or personal property, controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, or firearms.~~

~~43- 14. Inform the department in writing within ~~30~~ 10 days of receiving knowledge of any principal, licensee, subsidiary, partner, officer, compliance agent or employee regulated or required to be regulated by this chapter, having been found guilty by any court or administrative body of competent jurisdiction to have violated the private security services business statutes or regulations of that jurisdiction, there being no appeal therefrom or the time for appeal having elapsed.~~

44- 15. On a form provided by the department and within 10 calendar days of receiving knowledge of the incident, submit a report of any incident in which any registrant has discharged a firearm while on duty, excluding any training exercise.

~~45- 16. In the event a complaint against the licensee is received by the department, be required to furnish documentary evidence (written agreement) of the terms agreed to between licensee and client, which shall include at a minimum the specific scope of services and fees assessed for such services. This information shall be used by the department to assess the validity of the complaint. The licensee shall retain a copy for a period of not less than three years from completion of said agreement.~~

17. Not fail to honor the terms and conditions of a warranty or written agreement.

18. In the event a licensee sells or otherwise transfers the ownership of a monitoring agreement of an electronic security customer, notify the end user, in writing, within 30 days of the transfer of monitoring services. No licensee shall sell to an entity not licensed in Virginia.

19. Ensure that all regulated employees carry a photo identification card along with their registration or certification card, unless the card is one in the same.

6 VAC 20-171-230. Business standards of conduct.

A licensee shall:

1. Conform to all requirements pursuant to the Code of Virginia and this chapter.
2. Ensure that all employees regulated, or required to be regulated, by this chapter conform to all application requirements, administrative requirements and standards of conduct pursuant to the Code of Virginia and this chapter.

3. Not direct any employee regulated, or required to be regulated, by this chapter to engage in any acts prohibited by the Code of Virginia and this chapter.

4. Employ individuals regulated, or required to be regulated, as follows:

a. A licensee shall employ or otherwise utilize individuals possessing a valid registration or certification issued by the department showing the registration or certification categories required to perform duties requiring registration or certification pursuant to the Code of Virginia;

b. A licensee ~~may~~ shall not employ allow individuals requiring registration as armored car personnel, armed security officers/couriers, alarm respondents, private investigators, personal protection specialists or security canine handlers to perform private security services until such time as the individual has been issued a registration by the department;

c. A licensee may employ individuals requiring registration as alarm respondent, central station dispatcher, electronic security sales representative or electronic security technician, or certification as unarmed security officer or electronic security technician's assistant for a period not to exceed 90 consecutive days in any registered category listed above while completing the compulsory minimum training standards provided:

(1) Fingerprint cards, ~~or a VSP-167 if applicable,~~ have been submitted pursuant to Article 1 (6 VAC 20-171-30 et seq.) of Part III of this chapter; and

(2) The individual is not employed in excess of 120 days without having been issued a registration or certification from the department; and

(3) The individual did not fail to timely complete the required training with previous employer(s).

d. A licensee shall not employ any individual carrying or having access to a firearm in the performance of his duties who has not obtained a valid registration and firearms training verification endorsement from the department; and

e. A licensee shall maintain appropriate documentation to verify compliance with these requirements. A licensee shall maintain these documents after employment is terminated for a period of not less than three years.

5. Not contract or subcontract any private security services in the Commonwealth of Virginia to a person not licensed by the department. Verification of a contractor's or subcontractor's license issued by the department shall be maintained for a period of not less than three years.

6. Ensure that the compliance agent conforms to all applicable application requirements, administrative requirements and standards of conduct pursuant to the Code of Virginia and this chapter.

7. Permit the department during regular business hours to inspect, review, or copy those documents, business records

or training records that are required to be maintained by the Code of Virginia and this chapter.

8. Not violate or aid and abet others in violating the provisions of Article 1 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1 of the Code of Virginia or this chapter.

9. Not commit any act or omission ~~which~~ *that* results in a private security license or registration being suspended, revoked, not renewed or being otherwise disciplined in any jurisdiction.

10. Not have been convicted or found guilty in any jurisdiction of the United States of any felony or a misdemeanor involving moral turpitude, assault and battery, damage to real or personal property, controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, or firearms, from which no appeal is pending, the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purpose of this chapter. The record of conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be prima facie evidence of such guilt.

11. Not obtain a license, license renewal, registration, registration renewal, certification, certification renewal, or certification to act as compliance agent for a licensee, training school, school director, or instructor, through any fraud or misrepresentation.

12. Include the business license number issued by the department on all business advertising materials pursuant to the Code of Virginia.

13. Not conduct a private security services business in such a manner as to endanger the public health, safety and welfare.

14. Not falsify, or aid and abet others in falsifying, training records for the purpose of obtaining a license, registration, certification, or certification as a compliance agent, training school, school director or instructor.

15. Not represent as one's own a license issued to another private security services business.

16. When providing central station monitoring services, attempt to verify the legitimacy of a burglar alarm activation by contacting an authorized individual at the site where an alarm signal originated before dispatching authorities. This shall not apply if the alarm user has provided written authorization requesting immediate dispatch. This shall not apply to duress or hold-up alarms.

17. Not perform any unlawful or negligent act resulting in loss, injury or death to any person.

18. Utilize vehicles for private security services using or displaying a flashing light only as specifically authorized by § 46.2-1025.9 of the Code of Virginia.

19. Not use or display the state seal of Virginia *or the seal of the Department of Criminal Justice Services, or any*

portion thereof, or the seal of any political subdivision, or any portion thereof, as a part of any logo, stationery, letter, training document, business card, badge, patch, insignia or other form of identification or advertisement.

20. Not provide information obtained by the firm or its employees to any person other than the client who secured the services of the licensee without the client's prior written consent. Provision of information in response to official requests from law-enforcement agencies, the courts, or the department shall not constitute a violation of this chapter. Provision of information to law-enforcement agencies pertinent to criminal activity or to planned criminal activity shall not constitute a violation of this chapter.

21. *Not engage in acts of unprofessional conduct in the practice of private security services.*

22. *Not engage in acts of negligent or incompetent private security services.*

23. *Not make any misrepresentation or false promise to a private security services business client or potential private security services business client.*

24. *Not violate the Virginia Uniform Statewide Building Code.*

25. *Satisfy all judgments related to private security services not provided.*

26. *Not publish or cause to be published any written business material relating to private security services that contains an assertion, representation, or statement of fact that is false, deceptive or misleading.*

27. *Not conduct private security business under a fictitious or assumed name unless the name is on file with the Department of Criminal Justice Services. This does not apply to a private investigator conducting a "pretext," provided that the private investigator does not state that he is representing a private security business that does not exist.*

28. *Comply with all local ordinances.*

6 VAC 20-171-240. Compliance agent.

A compliance agent shall:

1. Conform to all requirements pursuant to the Code of Virginia and this chapter.

2. Maintain at all times with the department his ~~physical and mailing address. A post office box is not a physical address.~~ *physical and mailing address.* Written notification of any change ~~in the physical or mailing~~ of address shall be in writing and received by the department no later than 10 days after the effective date of the change.

3. Not violate or aid and abet others in violating the provisions of Article 1 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1 of the Code of Virginia or this chapter.

4. Not commit any act or omission which results in a private security license or registration being suspended, revoked, not renewed or being otherwise disciplined in any jurisdiction.

Proposed Regulations

5. Not have been convicted or found guilty in any jurisdiction of the United States of any felony or a misdemeanor involving moral turpitude, assault and battery, damage to real or personal property, controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, or firearms, from which no appeal is pending, the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purpose of this chapter. The record of conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be prima facie evidence of such guilt.

6. Inform the department, and the licensee for which the individual is designated as compliance agent if applicable, in writing within ~~30~~ 10 days after pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor ~~involving moral turpitude, assault and battery, damage to real or personal property, controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, or firearms.~~

7. Inform the department, and the licensee for which the individual is designated as compliance agent if applicable, in writing within ~~30~~ 10 days after having been found guilty by any court or administrative body of competent jurisdiction to have violated the private security services business statutes or regulations of that jurisdiction, there being no appeal therefrom or the time for appeal having elapsed.

8. Not obtain a license, license renewal, registration, registration renewal, certification, certification renewal, or certification to act as compliance agent for a licensee, training school, school director, or instructor, through any fraud or misrepresentation.

9. Only be designated with the department and acting as compliance agent for one ~~licensee~~ licensed entity.

10. Be designated with the department as compliance agent for a licensee and shall:

a. Ensure that the licensee and all employees regulated, or required to be regulated, by this chapter conform to all application requirements, administrative requirements and standards of conduct pursuant to the Code of Virginia and this chapter;

b. Maintain documentation for all employees or persons otherwise utilized that verifies compliance with requirements pursuant to the Code of Virginia and this chapter; ~~and~~

c. Notify the department in writing within 10 calendar days following termination of his employment as compliance agent for the licensee; ~~and~~

d. *Ensure that all regulated employees carry a photo identification card along with their registration or certification card.*

11. *Not engage in acts of unprofessional conduct in the practice of private security services.*

12. *Not engage in acts of negligent and/or incompetent private security services.*

13. *Not make any misrepresentation or false promise to a private security services business client or potential private security services business client.*

14. *Satisfy all judgments related to private security services not provided.*

15. *Not publish or cause to be published any written business material relating to private security services that contain an assertion, representation, or statement of fact that is false, deceptive or misleading.*

16. *Not conduct private security business under a fictitious or assumed name unless the name is on file with the Department of Criminal Justice Services. This does not apply to a private investigator conducting a "pretext," provided that the private investigator does not state that he is representing a private security business that does not exist.*

6 VAC 20-171-250. Administrative requirements.

A training school shall:

1. Maintain at all times with the department its physical address in Virginia where records required to be maintained by the Code of Virginia and this chapter are kept and available for inspection by the department. A post office box is not a physical address. Such notification shall be in writing and received by the department no later than 10 days after the effective date of the change.

2. Employ at all times one individual designated as training director who is currently certified as an instructor pursuant to this chapter and who is not currently designated as training director for another training school. A training school may designate a maximum of four individuals as assistant training directors.

3. Upon termination of eligibility of a certified instructor, notify the department in writing within 10 calendar days. Should the instructor also be designated as the training director for the training school, this notification shall include the name of the instructor responsible for the training school's adherence to applicable administrative requirements and standards of conduct during the period of training director replacement.

4. Within 90 days of termination of employment of the sole remaining training director, submit the name of a new instructor eligible for designation pursuant to this chapter and who is not currently designated for another training school. Individuals not currently eligible may pursue certification pursuant to Part III (6 VAC 20-171-30 et seq.) of this chapter. Such notification shall be in writing and signed by a principal of the training school and the designated training director.

5. Notify the department in writing of any certified instructors or subject matter specialists eligible to provide instruction at the training school. The notification shall be received by the

department prior to the individual conducting any training for the training school and signed by the training school director and the designated instructor or subject matter specialist.

6. Prominently display at all times, ~~for public inspection in a conspicuous place where the public has access,~~ the training school certification issued by the department.

7. Maintain at all times current liability coverage at least in the minimum amounts prescribed by the application requirements of this chapter. Failure of the training school to do so shall result in the certification becoming null and void.

8. Inform the department in writing within ~~30~~ 10 days, for any principal, partner, officer, instructor or employee regulated or required to be regulated by this chapter pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor ~~involving moral turpitude, assault and battery, damage to real or personal property, controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, or firearms.~~

9. Inform the department in writing within ~~30~~ 10 days, for any principal, partner, officer, instructor or employee regulated or required to be regulated by this chapter having been found guilty by any court or administrative body of competent jurisdiction to have violated the private security services business statutes or regulations of that jurisdiction, there being no appeal therefrom or the time for appeal having elapsed.

10. Report in writing to the department any change in its ownership or principals ~~which~~ that does not result in the creation of a new legal entity. Such written report shall be received by the department within ~~30~~ 10 days after the occurrence of such change to include fingerprint cards submitted pursuant to 6 VAC 20-171-30.

11. Maintain at all times with the department its current operating name. Any name change reports shall be submitted in writing within 10 days after the occurrence of such change and accompanied by certified true copies of the documents which establish the name change.

12. Report in writing to the department any change in the entity of the training school that results in continued operation requiring a certification. Such written report shall be received by the department within 10 days after the occurrence of such change.

13. Maintain written authorization from the department for any subject matter specialists being used to provide instruction.

14. Develop lesson plans for each training curriculum and subject being offered in accordance with the topical outlines submitted to the department.

15. Maintain comprehensive and current lesson plans for each entry level training curriculum and subject being offered.

16. Maintain comprehensive and current lesson plans for each in-service training curriculum and subject being offered.

17. Maintain comprehensive and current lesson plans for each firearms training curriculum and subject being offered.

18. Date all lesson plans and handout material ~~to include,~~ including the initial date of development and subsequent revisions.

19. Ensure that current copies of the following requirements are provided to and maintained with the department, including:

- a. A list of all training locations used by the training school, excluding hotel/motel facilities;
- b. A list of all firing range names and locations;
- c. A list of all subject matter specialists currently employed, or otherwise utilized; and
- d. Copies of current ~~course~~ topical outlines for all lesson plans and curriculums. The lesson plans and subsequent course outlines shall include specific reference to the course content involving the Code of Virginia and this chapter.

20. Ensure that range qualification for all firearms training is completed pursuant to this chapter except with written authorization from the department.

21. On a form provided by the department and within 10 calendar days of the incident, submit a report of any incident in which any instructor, student or employee has discharged a firearm while on duty, excluding any training exercise.

22. *Not act as or be a certified training school for undisclosed persons who directly or indirectly control the operation of the training school.*

6 VAC 20-171-260. Training school standards of conduct.

A training school shall:

1. Conform to all requirements pursuant to the Code of Virginia and this chapter.
2. Ensure that the *owners, principals*, training director and all instructors employed by the training school conform to all applicable application requirements, administrative requirements and standards of conduct pursuant to the Code of Virginia and this chapter.
3. Utilize only certified instructors, or other individuals eligible to provide instruction pursuant to this chapter in the conduct of private security training sessions.
4. Maintain current files that include copies or electronic images of attendance records, a master final examination, pass/fail recording of examination and firearms qualification scores, training completion rosters, and training completion forms for each student for three years from the date of the training session in which the individual student was enrolled.

Proposed Regulations

5. Permit the department during regular business hours to inspect, review, or copy those documents, business records or training records that are required to be maintained by the Code of Virginia and this chapter.

6. Permit the department to inspect and observe any training session. Certified training schools ~~which~~ *that* conduct training sessions not located within Virginia may be required to pay the expenses of inspection and review.

7. Include the training school certification number issued by the department on all business advertising materials pursuant to the Code of Virginia.

8. Not violate or aid and abet others in violating the provisions of Article 1 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1 of the Code of Virginia or this chapter.

9. Not commit any act or omission ~~which~~ *that* results in a private security license or registration being suspended, revoked, not renewed or being otherwise disciplined in any jurisdiction.

10. ~~Not~~ *Ensure that the owner, principals, training director and all instructors employed by the training school have not been convicted or found guilty in any jurisdiction of the United States of any felony or a misdemeanor involving moral turpitude, assault and battery, damage to real or personal property, controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, or firearms, from which no appeal is pending, the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purpose of this chapter. The record of conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be prima facie evidence of such guilt.*

11. Not obtain a license, license renewal, registration, registration renewal, certification, certification renewal, or certification to act as compliance agent for a licensee, training school, school director, or instructor, through any fraud or misrepresentation.

12. Conduct entry level and in-service training sessions separately. In-service subjects and curriculums may not be incorporated or included as a part of the entry-level subjects and curriculums.

13. Not conduct a private security services training school in such a manner as to endanger the public health, safety and welfare.

14. Not falsify, or aid and abet others in falsifying, training records for the purpose of obtaining a license, registration, certification, or certification as a compliance agent, training school, school director or instructor.

15. Not represent as one's own a certification issued to another private security services training school.

16. Not perform any unlawful or negligent act resulting in loss, injury or death to any person.

17. Not use or display the state seal of Virginia, or any portion thereof, as a part of any logo, stationery, business card, badge, patch, insignia or other form of identification or advertisement.

18. Not use or display the state seal of the Department of Criminal Justice Services, or any portion thereof, or the seal of any political subdivision, or any portion thereof, as a part of any logo, stationery, letter, training document, business card, badge, patch, insignia or other form of identification or advertisement.

19. Not engage in acts of unprofessional conduct in the practice of private security services.

20. Not engage in acts of negligent or incompetent private security services.

21. Not make any misrepresentation or false promise to a private security services business client or potential private security services business client.

22. Not violate the Virginia Uniform Statewide Building Code.

23. Satisfy all judgments related to private security services not provided.

24. Not publish or cause to be published any written business material relating to private security services that contains an assertion, representation, or statement of fact that is false, deceptive or misleading.

6 VAC 20-171-270. Private security services training school director.

A training school director shall:

1. Ensure that the certified training school and all employees regulated, or required to be regulated, by this chapter conform to all application requirements, administrative requirements and standards of conduct pursuant to the Code of Virginia and this chapter.

2. Conform to all application requirements, administrative requirements and standards of conduct as a certified instructor pursuant to the Code of Virginia and this chapter.

3. Maintain documentation for all employees or persons otherwise utilized that verifies compliance with requirements pursuant to the Code of Virginia and this chapter.

4. Notify the department in writing within 10 calendar days following termination of his employment as training director for the certified training school.

5. Not engage in acts of unprofessional conduct in the practice of private security services.

6. Not engage in act of negligent or incompetent private security services.

7. Not make any misrepresentation or false promise to a private security services business client or potential private security services business client.

8. Not violate the Virginia Uniform Statewide Building Code.

9. Satisfy all judgments relating to private security services not provided.

10. Not publish or cause to be published any written business material relating to private security services that contains an assertion, representation, or statement of fact that is false, deceptive or misleading.

6 VAC 20-171-280. Private security services instructor.

An instructor shall:

1. Conform to all requirements pursuant to the Code of Virginia and this chapter.

2. Maintain at all times with the department his physical and mailing address. ~~A post office box is not a physical address.~~ Written notification of any address change in the physical or mailing address shall be in writing and received by the department no later than 10 days after the effective date of the change.

3. Not have been convicted or found guilty in any jurisdiction of the United States of any felony or a misdemeanor involving moral turpitude, assault and battery, damage to real or personal property, controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, or firearms, from which no appeal is pending, the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purpose of this chapter. The record of conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be prima facie evidence of such guilt.

4. Inform the department, and the training school for which the individual is designated as an instructor, if applicable, in writing within ~~30~~ 10 days after pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor involving moral turpitude, assault and battery, damage to real or personal property, controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, or firearms.

5. Inform the department, and the training school for which the individual is designated as instructor, if applicable, in writing within ~~30~~ 10 days after having been found guilty by any court or administrative body of competent jurisdiction to have violated the private security services business statutes or regulations of that jurisdiction, there being no appeal therefrom or the time for appeal having elapsed.

6. Not violate or aid and abet others in violating the provisions of Article 1 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1 of the Code of Virginia or this chapter.

7. Not commit any act or omission which that results in a private security license or registration being suspended, revoked, not renewed or being otherwise disciplined in any jurisdiction.

8. Not obtain a license, license renewal, registration, registration renewal, certification, certification renewal, or certification to act as compliance agent for a licensee, training school, school director, or instructor, through any fraud or misrepresentation.

9. Conduct training sessions pursuant to requirements established in this chapter.

10. Notify the department within 10 calendar days following termination of his employment as instructor for the training school.

11. *Not engage in acts of unprofessional conduct in the practice of private security services.*

12. *Not engage in acts of negligent or incompetent private security services.*

13. *Not make any misrepresentation or false promise to a private security services business client or potential private security services business client.*

14. *Not violate the Virginia Uniform Statewide Building Code.*

6 VAC 20-171-300. Private security training session.

A. Training sessions will be conducted in accordance with requirements established in this chapter. Adherence to the administrative requirements, attendance and standards of conduct are the responsibility of the training school, training school director and instructor of the training session.

B. Administrative requirements.

1. In a manner approved by the department, a notification to conduct a training session shall be submitted to the department. All notifications shall be received by the department, or postmarked if mailed, no less than seven calendar days prior to the beginning of each training session to include the date, time, instructors and location of the training session. The department may allow a session to be conducted with less than seven calendar days of notification with prior approval. Session notifications require no fee from the training school. A notification to conduct a training session shall be deemed to be in compliance unless the training school director is notified by the department to the contrary.

2. Notification of any changes to the dates, times, location or cancellation of a future training session must be submitted to the department in writing and received by the department ~~prior to~~ at least 24 hours in advance of the scheduled starting time of the class. *In the event that a session must be cancelled on the scheduled date, the department must be notified immediately followed by a cancellation in writing as soon as practical.*

3. On a form provided by the department, the training school director shall issue an original training completion form and training certificate to each student who satisfactorily completes a training session no later than five business days following the training completion date.

4. In a manner approved by the department, the training school director shall submit an original training completion

Proposed Regulations

roster to the department affirming each student's successful completion of the session. The training completion roster shall be received by the department within seven calendar days, or postmarked if mailed, no later than five business days following the training completion date. The training completion roster for each session must be accompanied by the applicable, nonrefundable processing fee.

5. A written examination shall be administered at the conclusion of each entry level training session. The examination shall be based, ~~at a minimum,~~ on the applicable learning objectives. The student must attain a minimum grade of *80% for compliance agent entry-level training or 70% for all other entry-level training examinations* to satisfactorily complete the training session.

6. Firearms classroom training shall be separately tested and graded. Individuals must achieve a minimum score of 70% on the firearms classroom training examination.

7. Failure to achieve a minimum score of 70% on the firearms classroom written examination will exclude the individual from the firearms range training.

8. To successfully complete the firearms range training, the individual must achieve a minimum qualification score of 75% of the scoring value of the target.

9. To successfully complete the private investigator entry level training session, the individual must:

- a. Successfully complete each of the ~~three~~ four graded practical exercises required; and
- b. Pass the written examination with a minimum score of 70%.

10. To successfully complete the personal protection specialist entry level training session, the individual must:

- a. Complete each of the five graded practical exercises required under protective detail operations pursuant to 6 VAC 20-171-350 ~~E 6~~ (the practical exercises must be successfully completed prior to the written examination); and
- b. Pass the written examination with a minimum score of 70%.

11. *The unarmed security officer must:*

- a. *Complete the required training; and*
- b. *Successfully pass the written examination with a minimum score of 70%.*

C. Attendance.

1. Private security services business personnel enrolled in an approved training session are required to be present for the hours required for each training session unless they have been granted a partial waiver from the department.

2. Tardiness and absenteeism will not be permitted. Individuals violating these provisions will be required to make up any training missed. Such training must be completed within 60 days after the completion of the training session or at the next available session offered by the

training school. Individuals not completing the required training within this period are required to complete the entire training session.

3. Individuals that do not successfully complete the compulsory minimum training standards of the training session shall not be reported to the department except where required pursuant to this chapter.

4. Each individual attending an approved training session shall comply with the regulations promulgated by the board and any other rules within the authority of the training school. If the training school director or instructor considers a violation of the rules detrimental to the training of other students or ~~to involve~~ involves cheating on examinations, the training school director or instructor may expel the individual from the school. Notification of such action shall immediately be reported to the employing firms and the department.

D. Standards of conduct.

1. The training school, training school director and instructor shall at all times conform to the application requirements, administrative requirements and standards of conduct established for certification as a training school and instructor.

2. Training sessions will be conducted by certified instructors or other individuals authorized to provide instruction pursuant to this chapter.

3. Training sessions will be conducted utilizing lesson plans developed ~~to include~~ including at a minimum the compulsory minimum training standards established pursuant to this chapter.

4. Instruction shall be provided in no less than 50-minute classes.

5. Training sessions may not exceed eight hours of classroom instruction per day; however, firearms classroom sessions may not exceed nine hours of instruction per day. Range qualification and practical exercises shall not be considered classroom instruction; however, total training, including the maximum allotment of eight hours classroom instruction and applicable range qualification and practical exercises, shall not exceed 12 hours per day. This does not include time allotted for breaks, meals and testing.

6. All audio-visual training aids must be accompanied by a period of instruction where the instructor reviews the content of the presentation and the students are provided the opportunity to ask questions regarding the content.

7. A training session must adhere to the minimum compulsory training standards and must be presented in its entirety. Training school directors may require additional hours of instruction, testing or evaluation procedures.

8. A training session must provide accurate and current information to the students.

9. Mandated training conducted not in accordance with the Code of Virginia and this chapter is null and void.

10. A duplicate set of instructor course materials, including all student materials, shall be made available to any department inspector during the training session, if requested.

6 VAC 20-171-310. Registered personnel administrative requirements.

A registered individual shall:

1. Conform to all requirements pursuant to the Code of Virginia and this chapter.
2. Maintain at all times with the department his ~~physical and mailing address, e-mail address and phone number, if applicable. A post office box is not a physical address.~~ Written notification of any change in the ~~physical or mailing address, e-mail address or phone number~~ shall be in writing and received by the department no later than 10 days after the effective date of the change.
3. Inform the department, and the business for which the individual is employed if applicable, in writing within ~~30~~ 10 days after pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor ~~involving moral turpitude, assault and battery, damage to real or personal property, controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, or firearms.~~
4. Inform the department, and the business for which the individual is employed if applicable, in writing within 30 days after having been found guilty by any court or administrative body of competent jurisdiction to have violated the private security services business statutes or regulations of that jurisdiction, there being no appeal therefrom or the time for appeal having elapsed.
5. Inform the department, ~~or~~ and the compliance agent of the licensee if employed by a private security services business, of any incident in which any registrant has discharged a firearm while on duty, excluding any training exercise. This report shall be made within 24 hours of the incident.

6 VAC 20-171-320. Registered personnel standards of conduct.

A registered individual shall:

1. Conform to all requirements pursuant to the Code of Virginia and this chapter.
2. Not violate or aid and abet others in violating the provisions of Article 1 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1 of the Code of Virginia or this chapter.
3. Not commit any act or omission ~~which~~ that results in a private security license, registration or certification being suspended, revoked, not renewed or being otherwise disciplined in any jurisdiction.
4. Not have been convicted or found guilty in any jurisdiction of the United States of any felony or a misdemeanor

involving moral turpitude, assault and battery, damage to real or personal property, controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, or firearms, from which no appeal is pending, the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purpose of this chapter. The record of conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be prima facie evidence of such guilt.

5. Not obtain a license, license renewal, registration, registration renewal, certification, certification renewal, or certification to act as compliance agent for a licensee, training school, school director, or instructor, through any fraud or misrepresentation.

6. Not solicit or contract to provide any private security services without first having obtained a private security services business license with the department.

7. Carry a valid registration *or valid temporary authorization letter* at all times while on duty. Individuals requiring registration as an alarm respondent, a central station dispatcher, an electronic security sales representative or an electronic security technician may be employed for not more than 90 *consecutive days in any category listed above* while completing the compulsory minimum training standards and may not be employed in excess of 120 days without having been issued a registration *or an exception* from the department.

8. Carry the private security photo identification card at all times while on duty once the authorization has been approved from the department, except those individuals operating outside the Commonwealth of Virginia who shall obtain the photo identification card prior to providing services when physically located in the Commonwealth.

9. Perform those duties authorized by his registration only while employed by a licensed private security services business and only for the clients of the licensee. This shall not be construed to prohibit an individual who is registered as an armed security officer from being employed by a nonlicensee as provided for in § 9.1-140 of the Code of Virginia.

10. Possess a valid firearms training ~~verification~~ *endorsement* if he carries or has immediate access to firearms while on duty *and then only those firearms by type; type of action: all double action, double/single action, all single action; and caliber to which he has been trained on and is qualified to carry.*

11. Carry a firearm concealed while on duty only with the expressed authorization of the licensed private security services business employing the registrant and only in compliance with § 18.2-308 of the Code of Virginia.

12. Transport, carry and utilize firearms while on duty only in a manner ~~which~~ that does not endanger the public health, safety and welfare.

Proposed Regulations

13. If authorized to make arrests, make arrests in full compliance with the law and using only the minimum force necessary to effect an arrest.

14. Engage in no conduct which through word, deed or appearance suggests that a registrant is a law-enforcement officer, *detective* or other government official.

15. Display one's registration while on duty in response to the request of a law-enforcement officer, department personnel or client.

16. Not perform any unlawful or negligent act resulting in a loss, injury or death to any person.

17. If a uniform is required, wear the uniform required by his employer. If wearing a uniform while employed as an armed security officer, unarmed security officer, alarm respondent or armored car personnel, that uniform must:

a. Include at least one insignia clearly identifying the name of the licensed firm employing the individual and, except armored car personnel, a name plate or tape bearing, as a minimum, the individual's last name attached on the outermost garment, except rainwear worn only to protect from inclement weather; and

b. Include no patch or other writing (i) containing the word "police" or any other word suggesting a law-enforcement officer; (ii) containing the word "officer" unless used in conjunction with the word "security"; or (iii) resembling any uniform patch or insignia of any duly constituted law-enforcement agency of this Commonwealth, its political subdivisions or of the federal government. This restriction shall not apply to individuals who are also duly sworn special police officers, to the extent that they may display words ~~which~~ *that* accurately represent that distinction.

18. When providing services as a central station dispatcher, attempt to verify the legitimacy of a burglar alarm activation by contacting an authorized individual at the site where an alarm signal originated before dispatching authorities. This shall not apply if the alarm user has provided written authorization requesting immediate dispatch. This shall not apply to duress or hold-up alarms.

19. Act only in such a manner ~~which~~ *that* does not endanger the public health, safety and welfare.

20. Not represent as one's own a registration issued to another individual, ~~or represent oneself as certified compliance agent of a licensee, training school, school director or instructor unless so certified by the department.~~

21. Not falsify, or aid and abet others in falsifying, training records for the purpose of obtaining a license, registration, certification, or certification as a compliance agent, training school, school director or instructor.

22. Not provide information obtained by the registrant or his employing firm to any person other than the client who secured the services of the licensee without the client's prior written consent. Provision of information in response to official requests from law-enforcement agencies, the courts, or from the department shall not constitute a violation of this

chapter. Provision of information to law-enforcement agencies pertinent to criminal activity or to planned criminal activity shall not constitute a violation of this chapter.

23. *Not engage in acts of unprofessional conduct in the practice of private security services.*

24. *Not engage in acts of negligent or incompetent private security services.*

25. *Not make any misrepresentation or make a false promise to a private security services business client or potential private security services business client.*

26. *Satisfy all judgments related to private security services not provided.*

6 VAC 20-171-330. Certified personnel administrative requirements.

A certified individual shall:

1. Conform to all requirements pursuant to the Code of Virginia and this chapter.

2. Maintain at all times with the department his ~~physical and mailing address, e-mail address and phone number, if applicable. A post office box is not a physical address.~~ Written notification of any change in the ~~physical or mailing address, e-mail address or phone number~~ shall be in writing and received by the department no later than 10 days after the effective date of the change.

3. Inform the department, and the business for which the individual is employed if applicable, in writing within ~~30~~ 10 days after pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor ~~involving moral turpitude, assault and battery, damage to real or personal property, controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, or firearms.~~

4. Inform the department, and the business for which the individual is employed if applicable, in writing within ~~30~~ 10 days after having been found guilty by any court or administrative body of competent jurisdiction to have violated the private security services business statutes or regulations of that jurisdiction, there being no appeal therefrom or the time for appeal having elapsed.

6 VAC 20-171-340. Certified personnel standards of conduct.

A certified individual shall:

1. Conform to all requirements pursuant to the Code of Virginia and this chapter.

2. Not violate or aid and abet others in violating the provisions of Article 1 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1 of the Code of Virginia or this chapter.

3. Not commit any act or omission which results in a private security license, registration or certification being

suspended, revoked, not renewed or being otherwise disciplined in any jurisdiction.

4. Not have been convicted or found guilty in any jurisdiction of the United States of any felony or a misdemeanor involving moral turpitude, assault and battery, damage to real or personal property, controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, or firearms, from which no appeal is pending, the time for appeal having elapsed. Any plea of *nolo contendere* shall be considered a conviction for the purpose of this chapter. The record of conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be *prima facie* evidence of such guilt.

5. Not obtain a license, license renewal, registration, registration renewal, certification, certification renewal, or certification to act as compliance agent for a licensee, training school, school director, or instructor, through any fraud or misrepresentation.

6. Not solicit or contract to provide any private security services without first having obtained a private security services business license with the department.

7. Carry a valid certification at all times while on duty. Individuals requiring certification as an unarmed security officer and an electronic security technician's assistant may be employed for not more than 90 *consecutive* days *in any category listed above* while completing the compulsory minimum training standards, provided fingerprint cards have been submitted to the department, ~~and VSP-167 if applicable~~, pursuant to Part III (6 VAC 20-171-30 et seq.) of this chapter; however, may not be employed in excess of 120 days without having been issued a certification from the department.

8. Carry the private security photo identification card at all times while on duty once the authorization has been approved from the department, except those individuals operating outside the Commonwealth of Virginia who shall obtain the photo identification card prior to providing services when physically located in the Commonwealth.

9. Perform those duties authorized by his certification only while employed by a licensed private security services business and only for the clients of the licensee. This shall not be construed to prohibit an individual who is certified as an unarmed security officer from being employed by a nonlicensee as provided for in § 9.1-140 of the Code of Virginia.

10. Engage in no conduct which through word, deed or appearance suggests that the certified individual is a law-enforcement officer or other government official.

11. Display one's certification while on duty in response to the request of a law-enforcement officer, department personnel or client.

12. Not perform any unlawful or negligent act resulting in a loss, injury or death to any person.

13. If a uniform is required, wear the uniform required by his employer. If wearing a uniform while employed as an unarmed security officer, that uniform must:

a. Include at least one insignia clearly identifying the name of the licensed firm employing the individual and, except armored car personnel, a name plate or tape bearing, as a minimum, the individual's last name attached on the outermost garment, except rainwear worn only to protect from inclement weather; and

b. Include no patch or other writing (i) containing the word "police" or any other word suggesting a law-enforcement officer; (ii) containing the word "officer" unless used in conjunction with the word "security"; or (iii) resembling any uniform patch or insignia of any duly constituted law-enforcement agency of this Commonwealth, its political subdivisions or of the federal government. This restriction shall not apply to individuals who are also duly sworn special police officers, to the extent that they may display words ~~which~~ *that* accurately represent that distinction.

14. Act only in such a manner ~~which~~ *that* does not endanger the public health, safety and welfare.

15. Not represent as one's own a certification issued to another individual, or represent oneself as a certified compliance agent of a licensee, training school, school director or instructor unless so certified by the department.

16. Not falsify, or aid and abet others in falsifying training records for the purpose of obtaining a license, registration, certification, or certification as a compliance agent, training school, school director or instructor.

17. Not provide information obtained by the firm or its employees to any person other than the client who secured the services of the licensee without the client's prior written consent. Provision of information in response to official requests from the law-enforcement agencies, the courts, or from the department shall not constitute a violation of this chapter. Provision of information to law-enforcement agencies pertinent to criminal activity or to planned criminal activity shall not constitute a violation of this chapter.

6 VAC 20-171-350. Entry level training.

A. Each person employed by a private security services business or applying to the department for registration as an armed security officer/courier, personal protection specialist, armored car personnel, security canine handler, private investigator, alarm respondent, central station dispatcher, electronic security sales representative, or electronic security technician as defined by § 9.1-138 of the Code of Virginia, or applying to the department for training certification as an unarmed security officer or certification as an electronic security technician's assistant as required by § 9.1-139 of the Code of Virginia, or for certification as a compliance agent as required by § 9.1-139 of the Code of Virginia, who has not met the compulsory minimum training standards prior to July 13, 1994, must meet the compulsory minimum training standards herein established, unless provided for otherwise in accordance with this chapter.

Proposed Regulations

B. Training will be credited only if submitted to the department within 12 months of completion of training.

C. The applicant shall submit a registration application to the department within 30 days of entry level training completion.

~~B.~~ *D. Hour requirement. The compulsory minimum entry level training hour requirement by category, excluding examinations, practical exercises and range qualification, shall be:*

1. Unarmed security officer --~~46~~ 18 hours
2. Armed security officer/courier --~~24~~ 40 hours

**There are 8 hours of Arrest Powers, Policies, Procedures that are included in the Armed Security Officer Training. These 8 hours are mandatory for armed security officers only.*

3. Armored car personnel --~~20~~ 26 hours
4. Security canine handler --~~28~~ 30 hours
5. Private investigator -- 60 hours
6. Personal protection specialist -- 60 hours
7. Alarm respondent --~~46~~ 18 hours
8. Central station dispatcher -- 8 hours
9. Electronic security sales representative -- 8 hours
10. Electronic security technician -- 14 hours
11. Electronic security technician's assistant -- 4 hours
12. Compliance agent -- 6 hours

~~C.~~ *E. Course content. The compulsory minimum entry level training course content by category, excluding examinations, mandated practical exercises and range qualification, shall be as provided in this subsection.*

1. Security officer core subjects. The entry level curriculum for unarmed security officer, armed security officer/courier, security canine handler, and alarm respondent sets forth the following areas identified as:

- ~~a. Administration and orientation to private security -- 4 hour~~
- ~~b. Applicable section of the Code of Virginia and DCJS regulations -- 1 hour~~
- ~~c. Legal authority and arrest authority and procedures -- 6 hours~~
- ~~d. Emergency and defensive procedures -- 8 hours~~
- ~~e. Written examination~~
 - a. Orientation -- 2 hours
 - (1) Virginia law and regulations
 - (2) Code of ethics
 - (3) General duties and responsibilities
 - b. Law -- 4 hours

c. Security patrol, access control and communications -- 2 hours

d. Documentation -- 4 hours

e. Emergency procedures -- 4 hours

f. Confrontation management -- 2 hours

Total hours (excluding exam) --~~46~~ 18 hours

2. Armed security officer/courier.

a. Security officer core subjects --~~46~~ 18 hours

b. Entry level handgun training (refer to Article 2 (6 VAC 20-171-365 et seq.) of this part) --~~8~~ 14 hours *(includes 4 hours of range dry fire and low level lighting)*

c. Arrest powers, policies, procedures -- 8 hours

~~e.~~ *d. Entry level shotgun training, if applicable (refer to Article 2 (6 VAC 20-171-365 et seq.) of this part) -- 1 hour*

Total hours (excluding examinations, shotgun classroom instruction and range qualification) --~~24~~ 40 hours

3. Armored car personnel.

a. Administration and armored car orientation -- 1 hour

b. Applicable sections of the Code of Virginia and DCJS regulations -- 1 hour

c. Armored car procedures -- 10 hours

d. Written examination

~~e. Entry level firearms handgun training (refer to Article 2 (6 VAC 20-171-365 et seq.) of this part) -- 8~~ 14 hours *(includes 4 hours of range dry fire and low level lighting)*

f. Entry level shotgun training, if applicable (refer to Article 2 (6 VAC 20-171-365 et seq.) of this part) --~~4~~ 2 hours

Total hours (excluding examinations, shotgun classroom instruction and range qualification) --~~20~~ 26 hours

4. Security canine handler.

Complete entry level training requirements pursuant to Article 3 (6 VAC 20-171-430 et seq.) of this part.

5. Private investigator.

~~a. Administration/investigator orientation, applicable sections of the Code of Virginia and DCJS regulations -- 8 hours~~

~~b. Collecting and reporting information -- 6 hours~~

~~c. General investigative techniques -- 20 hours~~

~~d. Interviewing techniques -- 8 hours~~

~~e. Criminal law, procedure and rules of evidence -- 8 hours~~

~~f. Civil law, procedure and rules of evidence -- 10 hours~~

~~g. Three practical field exercises~~

a. *Orientation: applicable sections of the Code of Virginia; Administrative Code 6 VAC 20-171; standards of professional conduct; and ethics -- 6 hours*

b. *Law: basic law; legal procedures and due process; civil law; criminal law; evidence; and legal privacy requirements -- 16 hours plus one practical exercise*

c. *General investigative skills, tools and techniques: surveillance; research; and interviewing -- 16 hours plus one practical exercise*

d. *Documentation: Report preparations; photography; audio recording; general communication; and courtroom testimony -- 8 hours plus one practical exercise*

e. *Types of investigations: accident; insurance; background; domestic; undercover; fraud and financial; missing persons and property; and criminal -- 14 hours*

~~h.~~ f. Written comprehensive examination

Total hours in classroom (excluding written examination and practical exercises) -- 60 hours

6. Personal protection specialist.

a. Administration and personal protection orientation -- 3 hours

b. Applicable sections of the Code of Virginia and DCJS regulations -- 1 hour

c. Assessment of threat and protectee vulnerability -- 8 hours

d. Legal authority and civil law -- 8 hours

e. Protective detail operations -- 28 hours

f. Emergency procedures -- 12 hours

(1) CPR

(2) Emergency first aid

(3) Defensive preparedness

g. Performance evaluation -- Five practical exercises

h. Written examination

Total hours (excluding written examination and performance evaluation) -- 60 hours

7. Alarm respondent.

Security officer core subjects --~~46~~ 18 hours

8. Electronic security subjects. The entry level electronic security subjects curriculum for central station dispatcher, electronic security sales representative, electronic security technician and electronic security technician's assistant sets forth the following areas identified as:

a. Administration and orientation to private security -- 1 hour

b. Applicable sections of the Code of Virginia and DCJS regulations -- 1 hour

c. Overview of electronic security -- 1 hour

d. False alarm prevention -- 1 hour

e. Written examination

Total hours (excluding examination) -- 4 hours

9. Central station dispatcher.

a. Electronic security subjects -- 4 hours

b. Central station dispatcher subjects -- 4 hours

(1) Duties and responsibilities

(2) Communications skills

(3) Emergency procedures

c. Written examination

Total hours (excluding examination) -- 8 hours

10. Electronic security sales representative.

a. Electronic security subjects -- 4 hours

b. Electronic security sales representative subjects -- 4 hours

(1) Duties and responsibilities

(2) System design/components

(3) False alarm prevention

c. Written examination

Total hours (excluding examination) -- 8 hours

11. Electronic security technician.

a. Electronic security subjects -- 4 hours

b. Electronic security technician subjects -- 10 hours

(1) Duties and responsibilities

(2) Electronics

(3) Control panels

(4) Protection devices and application

(5) Test equipment

(6) Power and grounding

(7) National electrical code

(8) Job safety

c. Written examination

Total hours (excluding examination) -- 14 hours

12. Compliance agent.

a. Industry overview and responsibilities

b. Regulations review

c. Business practices and ethical standards

d. Records requirements and other related issues --~~6~~ hours

e. Written examination

Proposed Regulations

Total hours (excluding written examination) -- 6 hours

6 VAC 20-171-360. In-service training.

A. Each person registered with the department as an armed security officer/courier, personal protection specialist, armored car personnel, security canine handler, private investigator, alarm respondent, central station dispatcher, electronic security sales representative, electronic security technician, or applying to the department for certification as an unarmed security officer or electronic security technician's assistant, or certified by the department to act as a compliance agent shall complete the compulsory in-service training standard once during each 24-month period of registration or certification. ~~Required in-service training must be completed within 12 months of the expiration date of the registration or certification period during which in-service training is required.~~

1. Compliance agent.

~~a. Individuals must complete compliance agent in-service training within each 24-month period following the original in-service training date.~~

~~b. a. In-service training must be completed within 12 months prior to the established training due immediately preceding the expiration date.~~

~~c. b. Individuals who fail to complete in-service training prior to the established training due expiration date may complete in-service training within 90 30 days after the established training due expiration date if a completed in-service training enrollment application and a \$25 delinquent training fee is received by the department.~~

2. Instructor. All private security instructors must complete instructor in-service training within ~~each 36-month period of certification~~ 24 months immediately preceding the individual's expiration date.

B. Hour requirement. The compulsory minimum in-service training hour requirement by category, excluding examinations, practical exercises and range qualification, shall be as follows:

1. Unarmed security officer -- 4 hours
2. Armed security officer/courier -- 4 hours
3. Armored car personnel -- 4 hours
4. Security canine handler -- 8 hours
5. Private investigator -- 8 hours
6. Personal protection specialist -- 8 hours
7. Alarm respondent -- 4 hours
8. Central station dispatcher -- 4 hours
9. Electronic security sales representative -- 4 hours
10. Electronic security technician -- 4 hours
11. Electronic security technician's assistant -- 2 hours
12. Compliance agent -- 4 hours
13. *Firearms* instructor --~~8~~ 4 hours

14. General instructor -- 4 hours

C. Course content. The compulsory minimum in-service training course content by category, excluding examinations, practical exercises and range qualification, shall be as follows:

1. Security officer core subjects: Unarmed security officer/armed security officer/courier/alarm respondent

- a. Legal authority -- 2 hours
- b. Job-related training -- 2 hours

Total hours -- 4 hours

2. Armored car personnel

Job-related training -- 4 hours

Total hours -- 4 hours

3. Security canine handler (*annual requirement per 6 VAC 20-171-440*)

- a. Basic obedience evaluation and retraining -- 4 hours
- b. Job-related training -- 4 hours

Total hours -- 8 hours

4. Private investigator

Job-related training -- 8 hours

Total hours -- 8 hours

5. Personal protection specialist

Job-related training -- 8 hours

Total hours -- 8 hours

6. Central station dispatcher

Job-related training -- 4 hours

Total hours -- 4 hours

7. Electronic security sales representative

Job-related training -- 4 hours

Total hours -- 4 hours

8. Electronic security technician

Job-related training -- 4 hours

Total hours -- 4 hours

9. Electronic security technician's assistant

Job-related training -- 2 hours

Total hours -- 2 hours

10. Compliance agent

- a. Industry overview and responsibilities
- b. Regulations review
- c. Business practices and ethical standards
- d. Records requirements and other related topics

Total hours -- 4 hours

11. General instructor

- a. Regulations review and legal issues
- b. Ethical standards
- c. Records requirements and other related topics
- d. Techniques of instruction delivery, including practical exercises

Total hours -- 4 hours

12. Firearms instructor

- a. Regulations review and legal issues
- b. Techniques of instruction delivery

Total hours -- 4 hours

6 VAC 20-171-365. General firearms training requirements.

Firearms training ~~verification~~ *endorsement* is required for all private security services business personnel who carry or have immediate access to a firearm while on duty. Each person who carries or has immediate access to firearms while on duty shall qualify with each type; *type of action: all double action, double/single action, all single action*; and caliber of firearm to which he has access.

6 VAC 20-171-370. Entry level handgun training.

A. Handgun classroom training.

1. The entry level handgun classroom training will include but not be limited to the following:

- a. The proper care *and maintenance* of the ~~weapon~~ *firearm*;
- b. Civil liability of the use of firearms;
- c. Criminal liability of the use of firearms;
- d. ~~Weapons~~ *Firearms* retention and storage;
- e. Deadly force;
- f. Justifiable deadly force;
- g. Range safety;
- ~~h. Practical firearms handling; and~~
- ~~i. h.~~ Principles of marksmanship;
- i. Practical firearms handling and safety;*
- j. Judgmental shooting; and*
- k. Dim light shooting familiarization.*

Total Hours (excluding written examination)--~~8~~ 14 hours

2. Written examination required.

B. Range qualification (no minimum hours). The purpose of the range qualification course is to provide practical firearms training to individuals desiring to become armed private security services business personnel.

1. Prior to the date of range training, it will be the responsibility of the school director to ensure that all students are informed of the proper attire and equipment to be worn for the firing range portion of the training.

2. Factory loaded semi-wadcutter or duty ammunition (60 rounds) may be used for practice or range qualification.

~~3.~~ *Course shall be fired double action, except for single action semi-automatic handguns.*

~~3.~~ 4. All qualifications shall be conducted using a B-27 silhouette target *or the FBI "Q" target*. Alternate targets may be utilized with prior approval by the department.

~~4.~~ 5. With prior approval of the department, a reasonable modification of the firearms course may be approved to accommodate qualification on indoor ranges.

~~5.~~ 6. A certified firearms instructor must be ~~on the firing line~~ *present* during all phases of firearms training. There shall be a minimum of one firearms instructor per five shooters on the line.

~~6.~~ 7. All individuals shall qualify with directional draw holsters only.

~~7.~~ 8. The range qualification of individuals shall be scored as follows:

B27 target: (use indicated K-value) 7, 8, 9, 10 X rings--value 5 points, ~~7-ring--value 4 points~~, other hits on silhouette--value ~~3~~ 0 points: divide points scored by maximum possible score to obtain decimal and convert to percentage, e.g., $225 / 300 = .75 = 75\%$.

~~9.~~ *The low light range familiarization of individuals shall be scored as follows: B27 target: (all hits inside the 7-ring count 5 points, any hits outside the 7-ring count 0 points.*

C. Course: Virginia Private Security Course of Fire for Handguns. The course of fire shall be conducted using, at a minimum, the requirements set forth in subsection B of this section. Strong/weak hand refers to the primary hand used in firing the ~~weapon~~ *firearm*. The opposite hand may be used for support. The course of fire shall be conducted in the following phases:

1. Phase 1; 3 yards, ~~point shoulder position~~ *utilizing weaver or isosceles stance*, 18 rounds:

- a. Load 6 rounds and holster loaded ~~weapon~~ *firearm*.
- b. On command, draw and fire 2 rounds (3 seconds), repeat.
- c. Load 6 rounds and holster loaded ~~weapon~~ *firearm*.
- d. On command, draw and fire 6 rounds with strong hand.
- e. Unload, reload 6 rounds and fire 6 rounds with weak hand (25 seconds).

2. Phase 2; 7 yards, ~~point shoulder position~~ *utilizing weaver or isosceles stance*, 24 rounds:

- a. Load 6 rounds and holster loaded ~~weapon~~ *firearm*.
- b. On command, draw and fire 1 round (2 seconds), repeat.

Proposed Regulations

- c. Load 6 rounds and holster loaded ~~weapon~~ firearm.
- d. On command, draw and fire 2 rounds (3 seconds), repeat.
- e. Load 6 rounds and holster loaded ~~weapon~~ firearm.
- f. On command, draw and fire 6 rounds, reload 6 rounds, fire 6 rounds (30 seconds).

3. Phase 3; 15 yards, 70 seconds, 18 rounds:

- a. Load 6 rounds and holster loaded ~~weapon~~ firearm.
- b. On command, assume kneeling position, draw and fire 6 rounds with strong hand.
- c. Assume standing position, unload, reload and fire 6 rounds from weak-hand barricade position.
- d. Unload, reload and fire 6 rounds from strong-hand barricade position (Kneeling position may be fired using barricade position.) (70 seconds).

D. Low Light Course: Virginia Private Security Low Light Familiarization Course of Fire for Handguns. The course of fire shall be conducted using, at a minimum, the requirements set forth in this subsection. Equipment needed: belt with directional draw holster, handgun, two speed loaders or three magazines, duty ammunition (24 rounds). Equipment provided by instructor: A range that can simulate low light or a pair of welders goggles for each student that simulates low light. Strong/weak hand refers to the primary hand used in firing the firearm. The opposite hand may be used for support. The course of fire shall be conducted in the following phases:

1. Phase 1; 3 yards, utilizing weaver or isosceles stance, 18 rounds:

- a. Load 6 rounds and come to ready.
- b. On command, fire 2 rounds (3 seconds) repeat.
- c. Load 6 rounds and come to ready.
- d. On command, fire 6 rounds with strong hand.
- e. Unload, reload 6 rounds and fire 6 rounds (30 seconds).

2. Phase 2; 7 yards, utilizing weaver or isosceles stance, 12 rounds:

- a. Load 6 rounds and come to ready.
- b. On command, draw fire 2 rounds (5 seconds), and repeat.
- c. Load 6 rounds and come to ready.
- d. On command, draw and fire 3 rounds (6 seconds), and repeat.

6 VAC 20-171-380. Entry level shotgun training.

A. Shotgun classroom training. The entry level shotgun classroom instruction will emphasize but not be limited to:

- 1. Safe and proper use and handling of shotgun;
- 2. Nomenclature; and

- 3. Positions and combat loading techniques-;
- 4. Decision-making for the officer with the shotgun;
- 5. Transition from sidearm to shotgun; and
- 6. Shotgun retention and proper use of a sling.

Total hours --~~4 hour~~ 2 hours

B. Range qualification (no minimum hours). The purpose of the range firing course is to provide practical shotgun training to those individuals who carry or have immediate access to a shotgun in the performance of their duties.

- 1. For certification, 12 gauge, double aught "00" buckshot ammunition shall be used. Five rounds.
- 2. Scoring -- 70% of available pellets must be within silhouette.

C. Course: Virginia Private Security Course of Fire for Shotguns.

Distance	Position	No. Rounds	Target	Time
Combat load & fire 15 Yds.	Standing/ Shoulder	3	B-27 Silhouette	20 sec.
Combat load & fire 25 Yds.	Kneeling/ Shoulder	2	B-27 Silhouette	15 sec.

D. A certified firearms instructor must be *present on the range directly controlling* the firing line during all phases of firearms range training. There shall be a minimum of one certified firearms instructor per five shooters on the line.

6 VAC 20-171-390. ~~Entry level personal protection specialist~~ Advanced handgun training -- required for the entry level personal protection specialist and optional for other armed registrants.

A. *The entry level handgun training is a prerequisite for taking the advanced handgun training.*

~~A. Personal protection specialist~~ B. Advanced handgun classroom training.

1. ~~The entry level personal protection specialist~~ advanced handgun training will include but not be limited to:

- a. Proper care of the weapon;
- b. Civil liability of the use of firearms;
- c. Criminal liability of the use of firearms;
- d. Weapons retention;
- e. Deadly force;
- f. Justifiable deadly force;
- g. Range safety;
- h. Practical firearms handling;
- i. Principles of marksmanship; and
- j. Decision-making for the personal protection specialist.

Total hours (excluding written examination) -- 24 hours

2. Written examination required.

~~B-~~ C. Range qualification (no minimum hours). The purpose of this course of fire is to assess and improve the tactical, protection-related shooting skills for personal protection specialist candidates seeking certification to be armed. This course entails five increasingly challenging stages of advanced firearms exercises with a 92% score required for qualification.

1. The ~~personal protection specialist~~ *advanced* handgun course of fire is comprised of the following exercises:

- a. Shoot/don't shoot judgment;
- b. Turn and fire drills;
- c. Failure to stop drills;
- d. Multiple target drills; and
- e. Judgmental shooting.

2. For all range practicals (stage two through stage four):

a. The student will fire at a man-size silhouette target with the following requirements:

- (1) 4" 4-inch diameter circle in head;
- (2) 8" 8-inch diameter circle in chest/body area; and
- (3) Center points of circles -- 13-1/2 inches apart.

b. All rounds fired must hit within these circles.

c. Minimum 92% qualification score = 25 rounds total requiring 23 hits. With regard to scoring:

- (1) 25 points (1 round is good for 1 point).
- (2) 92% of shots must be "in circle" hits for a passing grade (2 misses allowed on total course).
- (3) Shots not taken during stage five when a "no-shoot" situation is presented scores a point, just as an accurate shot in a hostile situation.
- (4) 92% is 23 of 25 possible.

3. A certified ~~personal protection specialist~~ *advanced handgun* firearms instructor must be on the range during all phases of ~~personal protection specialist~~ advanced handgun training. There shall be no less than one certified ~~personal protection specialist~~ *advanced handgun* firearms instructor per four students.

~~C-~~ D. Course: Virginia Private Security *Advanced Handgun* Course of Fire for ~~Personal Protection Specialist~~.

1. Stage One: Shoot/don't shoot drill. Stage one of the ~~personal protection specialist~~ advanced handgun course of fire is conducted in a classroom using a 16 mm film or video cassette tape of firearms combat scenarios or in practical exercises on the range to assess the student's decision-making capability given job-related shoot/don't shoot incidents.

After the interaction of the scenario, the students must explain all their commands and actions.

Dry-fire response from a weapon rendered safe should be incorporated into the scenario interaction.

2. Stage Two: Turn-and-fire drill. Stage two of the ~~personal protection specialist~~ advanced handgun course of fire is held at a firing range and consists of turn-and-fire drills from varying distances (straight draw hip holsters only).

All handguns are loaded with six rounds of ammunition and safely holstered. Shooters are positioned with their backs to the targets, facing the instructor up-range. The instructor will command all shooters to walk at a normal pace, directly away from the target. Upon the command "fire," the students must quickly turn while acquiring a firm grip on the weapon. Once facing the target and in a stable position, they must safely draw and fire two rounds at the designated target circle. After shooting, while facing the target, the student must reholster safely, then turn around to face up range, ready to continue the exercise. The "fire" commands will be called at 3-5 yards, 5-7 yards, and then 8-10 yards.

3. Stage Three: Failure to stop drill. Stage three of the ~~personal protection specialist~~ advanced handgun course of fire is held at a firing range and consists of failure to stop drills fired from the seven-yard line (straight draw hip holsters only).

All handguns are loaded with six rounds of ammunition and are safely holstered. Shooters are positioned with their backs to the targets, facing the instructor up-range. The instructor will command all shooters to walk at a normal pace, directly away from the target. Upon the command "fire," given at approximately the seven-yard line, each shooter must safely turn around while acquiring a firm grip on their weapon as performed in the previous drill. Once facing the target, the students will draw and fire two rounds at the 8-inch body circle, and then one immediate round to the 4-inch head circle. The student will then safely reholster. The drill will be repeated three times.

4. Stage Four: Multiple target identification drill. Stage four of the ~~personal protection specialist~~ advanced handgun course of fire is held at a firing range and consists of multiple target identification drills fired from varying distances (straight draw hip holsters only).

Each shooter will line up on a set of three targets. Only two shooters at one time can complete this exercise on a standard 10-12 station range. However, smaller ranges may allow for only one shooter at a time.

Each handgun is loaded with six rounds of ammunition and safely holstered. The shooters are positioned with their backs to the targets, facing the instructor up-range. The instructor will command all shooters to walk at a normal pace, directly away from the targets. Upon the command "left," "right," or "center," the student must again turn around safely while establishing a firm grip on the weapon. Then, once stable, the student must quickly draw and fire 2 rounds at the designated circle on the "called" target ("L," "R," "C"). Then, the shooter, while still facing the targets, must safely reholster, turn around to face up range, and continue the exercise. Each two-round pair must be fired within four seconds of the called command. Direction commands will be called at 3-5 yards, 5-7 yards, and then 8-10 yards.

Proposed Regulations

5. Stage Five: Judgmental shooting. This drill combines the skills developed in the prior four stages. The shooter will be required to safely turn and fire at a "photograph" type target which may be either friendly or hostile. It requires hostile targets to be stopped using deadly force. Necessity (immediate jeopardy) is presumed for this exercise. This stage allows the instructor to evaluate the decision-making capability of the student as well as his shooting accuracy and safety.

Shooter is placed on the 10-yard line facing the instructor with the target to his rear. The target will be placed at any location along the range target line and should not be seen by the student until he is given the "turn" command during the drill. Each shooter has the opportunity to complete this drill four times. Each decision is worth one point. If he shoots at a hostile target, a hit anywhere on that target will score the point. If a friendly target is presented, it is clearly a no-shoot situation and the student should merely holster safely to score the point. There is a four-second time limit at this stage for any "shoot" situation.

The instructor will allow each shooter two opportunities to complete this drill and place two targets downrange for each. Four points or hits are still necessary at this stage for the total score. If two targets are used, then the time limit is raised to six seconds, regardless of whether two hostile targets are used or one hostile with one friendly.

6 VAC 20-171-400. Firearms (handgun/shotgun) retraining.

All armed private security services business personnel must satisfactorily complete two hours of firearms classroom training or practical exercises and range training, and requalify as prescribed in 6 VAC 20-171-370 for handgun and 6 VAC 20-171-380 for shotgun, if applicable, ~~within the 12-month period immediately preceding the expiration date of his registration~~ on an annual basis prior to the issuance of the *Firearms Endorsement*, as follows:

1. Classroom retraining or practical exercises -- 2 hours
2. Range qualification with handgun and/or shotgun, if applicable (no minimum hours)

Total hours (excluding range qualification) -- 2 hours

6 VAC 20-171-420. ~~Personal protection specialist~~ Advanced handgun retraining.

All armed private security services business personnel registered in the category of personal protection specialist *or other armed category seeking advanced handgun designation* must satisfactorily complete *advanced handgun retraining, which includes* eight hours of firearms classroom training ~~or practical exercises~~ and range training, and requalify as prescribed in 6 VAC 20-171-390 C for handgun within the 12-month period immediately preceding the expiration date of his registration as follows:

1. Legal authority and decision making -- 4 hours
2. Handgun safety, marksmanship and skill development -- 4 hours
3. Completion of ~~personal protection specialist~~ *advanced handgun* course of fire

Total Hours ~~(including~~ *excluding* range qualification) -- 8 hours

6 VAC 20-171-430. Entry level security canine handler training.

A. Prerequisites for security canine handler entry level (official documentation required):

1. Successful completion of the security officer core subjects curriculum--~~46~~ 24 hours; and
2. Successful completion of basic obedience training.

B. Following successful completion of the above prerequisites, each security canine handler must also comply with the following requirements:

1. Demonstration of proficiency. The student must demonstrate his proficiency in the handling of a security canine to satisfy the minimum standards -- 2 hours
2. Evaluation by a certified private security canine handler instructor and basic obedience retraining
3. Security canine handler orientation/legal authority -- 4 hours
4. Canine patrol techniques -- 6 hours
5. Written examination

Total hours (excluding examinations) -- 28 hours

6 VAC 20-171-440. Security canine handler retraining.

Each security canine handler registrant shall comply annually with the requirement for basic obedience evaluation and retraining (Refer to 6 VAC 20-171-430).

1. *Applicable sections of the Code of Virginia and DCJS regulations* -- 1 hour
2. Security canine handler basic obedience evaluation and retraining -- 4 hours
3. *Canine grooming, feeding, and health care* -- 1 hour
4. *Apprehension techniques* -- 1 hour
5. *Obedience* -- 1 hour

Total hours--2 8 hours

6 VAC 20-171-480. Submittal requirements.

A. In accordance with § 9.1-141 of the Code of Virginia, this chapter establishes standards designed to secure the public safety and welfare against incompetent or unqualified persons engaging in private security services. It shall be the responsibility of the licensee, its compliance agents and employees, to provide private security services in a professional *and ethical* manner, ~~adhering to ethical standards and utilizing~~ sound business practices.

B. Any aggrieved or interested person may file a complaint against any individual, person, firm or licensed firm, school or certified school whose conduct and activities are regulated or required to be regulated by the board. The complaint must allege a violation of the law governing private security services or this chapter.

C. Complaints may be submitted:

1. In writing, or on a form provided by the department, by a signed complainant;
2. In writing, submitted anonymously, that provide sufficient detailed information for the department to conduct an investigation; or
3. Telephonically, providing the complaint alleges activities which constitute a life-threatening situation, or have resulted in personal injury or loss to the public or to a consumer, or which may result in imminent harm or personal injury, and that provide sufficient detailed information for the department to conduct an investigation.

6 VAC 20-171-500. Disciplinary action; sanctions; publication of records.

A. Each person subject to jurisdiction of this chapter who violates any statute or regulation pertaining to private security services shall be subject to sanctions imposed by the department regardless of criminal prosecution.

B. The department may impose any of the following sanctions, singly or in combination, when it finds the respondent in violation or in noncompliance of *the Code of Virginia or of this chapter*:

1. Letter of reprimand or censure;
2. Probation for any period of time;
3. Suspension of license, registration, certification, or approval granted, for any period of time;
4. Revocation;
5. Refusal to issue, renew or reinstate a license, registration, certification or approval;
6. Fine not to exceed \$2,500 per violation- *as long as the respondent was not criminally prosecuted*;
7. Remedial training.

C. The department may conduct hearings and issue cease and desist orders to persons who engage in activities prohibited by this chapter but do not hold a valid license, certification or registration. Any person in violation of a cease and desist order entered by the department shall be subject to all of the remedies provided by law and, in addition, shall be subject to a civil penalty payable to the party injured by the violation.

D. The director may summarily suspend a license, certification or registration under this chapter without a hearing, simultaneously with the filing of a formal complaint and notice for a hearing, if the director finds that the continued operations of the licensee or registrant would constitute a life-threatening situation, or has resulted in personal injury or loss to the public or to a consumer, or which may result in imminent harm, personal injury or loss.

E. All proceedings pursuant to this section are matters of public record and shall be preserved. The department may publish a list of the names and addresses of all persons, licensees, firms, registrants, training schools, school directors,

compliance agents and licensed firms whose conduct and activities are subject to this chapter and have been sanctioned or denied licensure, registration, certification or approval.

6 VAC 20-171-510. Fines, administrative and investigative costs.

A. The department may recover costs of any investigation and adjudication of any violations of the Code of Virginia or regulations which result in a sanction, including fine, probation, suspension, revocation or denial of any license, certification or registration. Such costs shall be in addition to any monetary penalty ~~which~~ *that* may be imposed.

B. All monetary penalties imposed as a sanction shall be deposited into the state treasury to the credit of the State Literary Fund.

6 VAC 20-171-540. Formal hearing.

A. Formal hearing proceedings may be initiated in any case in which the basic laws provide expressly for a case decision, or in any case to the extent the informal fact-finding conference has not been conducted or an appeal thereto has been timely received. Formal hearings shall be conducted in accordance with § 2.2-4020 of the Code of Virginia. The findings and decision of the director resulting from a formal hearing may be appealed to the board.

B. After a formal hearing pursuant to § 2.2-4020 of the Code of Virginia wherein a sanction is imposed to fine, or to suspend, revoke or deny issuance or renewal of any license, registration, certification or approval, the department may assess the holder thereof the cost of conducting such hearing when the department has final authority to grant such license, registration, certification or approval, unless the department determines that the offense was inadvertent or done in good faith belief that such act did not violate a statute or regulation. The cost shall be limited to (i) the reasonable hourly rate for the hearing officer and (ii) the actual cost of recording the proceedings. This assessment shall be in addition to any fine imposed by sanctions.

6 VAC 20-171-560. Court review; appeal of final agency order.

A. The agency's final administrative decision (final agency orders) may be appealed. Any person affected by, and claiming the unlawfulness of the agency's final case decision, shall have the right to direct review thereof by an appropriate and timely court action. Such appeal actions shall be initiated in the circuit court of jurisdiction in which the party applying for review resides; save, if such party is not a resident of Virginia, the venue shall be in the city of Richmond, Virginia.

B. Notification shall be given to the attention of the Director, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219, in writing within 30 days of the date notification of the board decision was served, or the date it was mailed to the respondent, whichever occurred first. In the event the board decision was served by mail, three days shall be added to that period. (Rule 2A:2 of Rules of the Virginia Supreme Court.)

Proposed Regulations

C. During all judicial proceedings incidental to such disciplinary action, the sanctions imposed by the board shall remain in effect, unless the court issues a stay of the order.

VA.R. Doc. No. R02-182; Filed February 21, 2003, 2:10 p.m.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: 12 VAC 30-135. Demonstration Waiver Services (adding 12 VAC 30-135-10 through 12 VAC 30-135-80).

Statutory Authority: § 32.1-325 of the Code of Virginia and Item 325 M of Chapter 899 of the 2002 Acts of Assembly.

Public Hearing Date: N/A -- Public comments may be submitted until May 23, 2003.

(See Calendar of Events section
for additional information)

Agency Contact: Deborah Sprang, Policy Analyst, Policy Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 225-2364, FAX (804) 786-1680, or e-mail dsprang@dmass.state.va.us.

Basis: Section 32.1-325 of the Code of Virginia grants to the Board of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance.

Purpose: The purpose of this proposal is to promulgate permanent regulations to supersede the current emergency regulations and to provide extended family planning services coverage for up to 24 months postpartum to women who received a Medicaid reimbursed pregnancy-related service while pregnant on or after October 1, 2002, and who continue to meet Medicaid eligibility income and residency standards. This action is expected to benefit the health and welfare of women in their childbearing years, as it will allow women to plan their pregnancies and decrease their risk of experiencing poor birth outcomes. Poor birth outcomes can result in high cost neonatal care and expensive long lasting health care services for developmentally delayed children.

Substance: Chapter 1024 of the 1999 Acts of Assembly directed DMAS to obtain the Centers for Medicare and Medicaid Services (CMS) approval of a Social Security Act § 1115(a) demonstration and research waiver to cover family planning services for a longer postpartum period than is now required by federal law under the Medicaid program. CMS approved DMAS' family planning waiver in July 2002 and the Commonwealth implemented the family planning waiver on October 1, 2002, under the authority of emergency regulations.

Prior to the family planning waiver, women who became eligible for Medicaid solely due to pregnancy were only provided full Medicaid coverage for 60 days postpartum. At the end of this 60-day postpartum period, their Medicaid

coverage was terminated unless they met the requirements to be covered under another Medicaid covered group. However, under the family planning waiver, women who do not meet another Medicaid covered group, but who continue to meet the financial and residency eligibility requirements for a pregnant women under Medicaid, will receive family planning waiver services up to 24 months postpartum.

Issues: The advantage for affected women is that they will be able to receive Medicaid coverage for family planning services, gynecological exams, and testing for sexually transmitted diseases for an additional 22 months. This will allow these women to better plan their pregnancies and decrease their risk of experiencing poor birth outcomes.

The advantage to the Commonwealth is the decreased costs associated with publicly funded prenatal care, labor and delivery, and newborn and infant care costs. Because the waiver will allow women to better plan their pregnancies and may increase birth spacing, the current poor birth outcome rate may be decreased. The Commonwealth may experience decreased costs associated with caring for and educating children with developmental delays and disabilities that commonly result from poor birth outcomes. Because this waiver must be budget neutral (due to federal requirements) and is expected to generate cost savings, there are no disadvantages to the public or the Commonwealth that have been identified.

Fiscal Impact: During the initial five-year award term of the waiver, the Commonwealth is projected to expend approximately an additional \$978,737 in state general funds that it would not be expending without the implementation of the waiver. The one time total cost for the required computer modification to the Medicaid Management Information System to allow for implementation of the waiver was \$108,019.35 of which state general funds covered approximately 25%. The estimated state general funds required to meet other administrative costs, such as the required formal evaluation and outreach, are approximately \$58,350.

Although the Commonwealth will be expending additional funds for family planning services and various administrative costs, it is projected that the family planning waiver will save the Commonwealth funds. A study has shown that for every \$1.00 spent to provide publicly funded contraceptive services, an average of \$3.00 was saved in Medicaid costs for pregnancy-related health care and medical care for newborns. Because one of the goals of this waiver is to decrease poor birth outcomes, further savings may also be gained by the decreased health care and education costs associated with children's developmental delays and disabilities that can result from poor birth outcomes.

All local departments of social services will be required to determine the initial eligibility of women for the family planning waiver as well as conduct eligibility re-determinations for waiver enrolled women at least every 12 months until the women reach 24 months postpartum at which time they are no longer eligible waiver services.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in

accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Department of Medical Assistance Services proposes to make permanent its emergency family planning regulations, which were implemented on October 1, 2002. The proposed regulations extend the family planning services provided by Medicaid to eligible women from 2-month postpartum to 24-month postpartum.

Estimated economic impact. These regulations establish a Medicaid family planning waiver. Family planning services are services necessary to prevent or delay a pregnancy and do not include abortion (terminated pregnancy) services. The services provided include family planning education and counseling, physician office visits, annual gynecological exams, sexually transmitted disease screens, pap tests, contraceptives, and sterilizations. Currently, Medicaid provides full coverage to eligible women 60 days postpartum. At the end of the 60-day period, the coverage is terminated. With the proposed change, women who continue to meet eligibility requirements will receive family planning waiver services for an additional 22-month period.

Pursuant to 1999 Acts of Assembly, HB 2717, the Department of Medical Assistance Services (the department) sought an approval of a family planning demonstration and research waiver from Centers for Medicare and Medicaid Services (CMS) under section 1115(a) of the federal Social Security Act to cover family planning services for a longer postpartum period. The approval was obtained in July 2002 for a five-year period and the waiver was implemented under emergency regulations on October 1, 2002.¹

Demonstration and research waivers are granted to formally investigate an issue. With this waiver, the department aims to evaluate the effects of extending coverage for an additional 22-months postpartum on poor birth outcomes, birth spacing and rates, and the costs of delivery/newborn/infant care. Demonstration waivers must not raise costs for approval. To obtain approval, the department must show that the proposed program will not increase the cost of providing care. In the following discussion, this will be referred to as "budget neutrality."

Based on the available research, the department anticipates that the fiscal benefits of providing postpartum family planning for a longer period will be at least equal to or more than the costs of providing the family planning services, and has

already successfully demonstrated the budget neutrality of this waiver to CMS. The budget neutrality demonstration relied on research showing that every dollar spent on family planning services generates a \$3 savings in delivery and infant care.² Since family planning services and delivery/infant/newborn care costs are interrelated, a brief snapshot of both Medicaid programs in fiscal year (FY) 2002 is provided below.

Last year, it cost \$486 to provide family planning services per person and approximately \$17.9 million was spent for about 37 thousand recipients. There were fewer delivery/infant/newborn care recipients, but the per capita cost was seventeen times higher. As a result, approximately \$239 million was spent in this program. Although per capita expenditures give an idea about average costs, it is subject to significant variation as the service mix for every recipient is not the same. For example, a recipient may be receiving a low-cost contraceptive while another may be receiving a relatively expensive birth control method or a combination of methods.

Table 1: Program Summary Statistics

<i>Program</i>	<i>FY 2002</i>	
Family Planning	Persons	36,896
	Per Capita	\$486
	Expenditures	\$17,941,292
Delivery, Infant, Newborn Care	Persons	28,848
	Per Capita	\$8,293
	Expenditures	\$239,223,067

Source: The Department of Medical Assistance Services

Under this waiver, the family planning services are available to low-income childbearing women who are 9 to 57 years old, who were enrolled in Medicaid during their most recent pregnancy and received Medicaid funded pregnancy related service, and who have an income at or below 133% of the federal poverty level. All local departments of social services will be required to determine the initial eligibility of women for the family planning waiver as well as conduct eligibility re-determinations for waiver enrolled women at least every 12 months until the women reach 24 months postpartum at which time they will be no longer eligible for waiver services. The department assumes that approximately 15,000 women may choose to use the extended family planning services over a five-year demonstration period (or approximately 3,000 recipients per year). The funds for family planning services have a 90% match rate. The services will be provided by Medicaid providers on a fee-for-service basis and Medicaid rates will be paid.

According to available data, 841,080 Virginian women are estimated to be in need of contraceptive services and supplies.³ Of these, 386,690 women (including 125,950

¹ Extensions in three-year increments may be awarded by Centers for Medicare and Medicaid Services.

² Forrest and Samara, 1996, "Impact of Publicly Funded Contraceptive Services on Unintended Pregnancies and Implications for Medicaid Expenditures," Family Planning Perspectives, 28(5).

³ Contraceptive Counts: Virginia, The Alan Guttmacher Institute, downloaded from www.agi-usa.org on January 9, 2003.

Proposed Regulations

teenagers) are estimated to be in need of publicly provided contraceptive services. The Commonwealth is reported to have 176 publicly supported family planning clinics, which serve 127,900 women.

This report uses cost-benefit analysis to identify potential economic effects of the proposed Medicaid waiver. The cost-benefit analysis is concerned with the economically efficient allocation of resources. This technique requires consideration of all possible economic costs and benefits associated with a project and are used to determine whether the project represents a gain or loss to the society as a whole. Therefore, all costs and benefits to the society as well as to the individuals, firms, and public entities must be separately taken into account and aggregated. However, in practice, the economic value of some benefits or costs may not be easily quantified, or cannot be quantified at all. This is especially the case for many social costs or benefits. Nonetheless they must be identified, stated, and considered.

The social costs and benefits of family planning are much more significant than any of the other potential economic effects. As explored later in detail, family planning services reduce unintended pregnancies. Some of these unintended pregnancies would have ended in births while some others would have ended in terminated pregnancies and miscarriages.

The fact that many social costs and benefits of family planning cannot be accurately quantified, but must be considered in an economic evaluation, creates another layer of difficulties. It is simply beyond the scope of this analysis to estimate or attach an economic value to the anticipated averted births and terminated pregnancies. However, in order to better understand the potential effects of the extended family planning, a simple model is developed to estimate the number of unintended pregnancies averted.⁴ The model uses contraceptive profiles of women to estimate likely economic effects, as contraceptive use is one of the most important determinants of pregnancy rate. The results are provided below first for ease of the explanations that follows.

This exercise considers all available reversible contraceptives as well as nonreversible methods (i.e., sterilization). First, assumptions about the number of each contraceptive method used by 3,000 low-income women (who are expected to enroll in the program) without public assistance for extended family planning are made under column (a) from available research data and associated proportions are provided in parentheses.⁵ This data represents the type of contraceptive used by women prior to their first publicly funded visit to a planning clinic. Under the assumed scenario, no woman who is sterilized within two months postpartum continues to use family planning services for the extended 22-month period. The model also assumes that these women are unlikely to use diaphragm and spermicides. The number of low-income

eligible women who are assumed to use the pill if they do not receive extended family planning services is 690, or 23% of the total. Similarly, research indicates that 1,600 (32%) of eligible women would use condoms, 270 (9%) would use intrauterine devices (IUD), injectable, or implants, 240 (8%) would use periodic abstinence, and 810 (27%) would not use any method of contraception if public funds are not provided.

⁴ The Alan Guttmacher Institute reviewed an earlier version of this model and suggested updating of some of the data elements with most recent data available, which are incorporated in this report.

⁵ Source: Darroch, Ranjit, and Frost, "Impact of Publicly Funded Contraceptive Services on Unintended Pregnancies," presented at APHA, Nov. 2000; and personal communication, Jennifer Frost, 1/15/03.

Table 2: Estimated Number of Unintended Pregnancies Averted for a 12- Month Period

Contraceptive Method	Estimated Users (percent of total in brackets)		First Year Failure Rate (c)	Unintended Pregnancies		Change in Unintended Pregnancies (f) (e-d)
	Without waiver (a)	With waiver (b)		Without waiver(d) (axc)	With waiver(e) (bxc)	
Tubal Sterilization	0 (0%)	90 (3%)	0.5%	0	0	No change
Pill	690 (23%)	1,590 (53%)	7.5%	52	119	Increase by 68
IUD/injectable/Implant	270 (9%)	630 (21%)	3.5%	9	22	Increase by 13
Diaphragm	0 (0%)	0 (0%)	13.1%	0	0	No change
Condom	1,600 (32%)	1,050 (21%)	13.7%	132	86	Decrease by 45
Spermicides	0 (0%)	0 (0%)	27.6%	0	0	No change
Periodic Abstinence	240 (8%)	30 (1%)	22.9%	55	7	Decrease by 48
Withdrawal	30 (1%)	30 (1%)	24.5%	7	7	No change
None	810 (27%)	0 (0%)	85.0%	689	0	Decrease by 689
TOTAL	3,000 (100%)	3,000 (100%)	NA	944	242	Decrease by 701

Column (b) mimics the expected contraceptive use upon receiving extended Medicaid services.⁶ Endowed with the publicly provided family planning services, a significant change in contraceptive use is expected. A number of women (90 or 3%) are expected to use sterilization. There is also a significant increase (from 690 to 1,590) in pill use. The uses of some contraceptive methods such as condom and periodic abstinence are expected to decrease. A significant expected change is that of the 810 women who are assumed to use no methods would start using a contraceptive method.

Column (c) provides information about the expected failure rates within the first 12-month period associated with each method of choice.⁷ Not surprisingly the highest failure rate (85%) is associated with using no method of contraception. The next highest failure rates are for spermicides (27.6%), withdrawal (24.5%), condom (13.7%), and diaphragm (13.1%).

Columns (d) and (e) present the number of unintended pregnancies estimated in two scenarios: without and with the family planning services that are provided under this waiver, respectively. The highest number (689) of unintended pregnancies is expected to occur due to not using any contraceptive methods if planning services are not provided. This is followed by the condom, periodic abstinence, and pill users who are estimated to have 132, 55, and 52 unintended pregnancies, respectively, if the Medicaid family planning services are not extended. With the waiver, most unintended pregnancies are likely to occur to pill users (119), to condom users (86) and to IUD/injectable/implant users (22). No unintended pregnancies is estimated to occur to those who do

not use any contraceptives simply because everyone who is enrolled is expected to use a publicly funded method.

The last column (f) reveals the expected change in the number of unintended pregnancies by type of contraceptive. The number of unintended pregnancies is estimated to increase for the pill (68) and IUD/injectable/implant (13) methods only because more women are assumed to use these methods with the family planning waiver. On the other hand, the number of unintended pregnancies is expected to decrease by 689 for those enrollees who would not have used a contraceptive method without the waiver. Similarly, substitution away from condoms and periodic abstinence and towards more effective methods will cause the number of unintended pregnancies to decrease by 48 for periodic abstinence and by 45 for condom methods. The total expected reduction in unintended pregnancies during the 12-month period starting from the third month of postpartum is 701.

The accuracy of this estimate is uncertain due to several factors. (1) The data describing contraceptive use prior to and after receiving public assistance as well as data on failure rates are not specific to Virginia. Thus, there exists the possibility that these statistics may not accurately describe the potential changes in contraceptive use and failures in Virginia. (2) Additionally, the data used here is estimated for women who did not receive public assistance prior to their first visit. Since the proposed regulations extend coverage by an additional 22-month over the first two months postpartum, the use of contraceptives among the affected Virginian women who already benefited from them may be higher because they may be more willing to continue to use a contraceptive method they are already familiar with by privately paying for them relative to those who never received any publicly funded family planning services. This would result in over estimation of the number of unintended pregnancies averted under this waiver program. Unfortunately, there is no available data to make adjustments in order to improve the precision of the estimates.

⁶ Source: AGI, Family Planning Annual Report: 2001 Summary, submitted to OPA, DHHS, Aug. 2002, page 32, Table 3-FP; column 4 - data for Region III. Assumes distribution of 4% of unknown method users into pill-2%, condom-1%, injectable-1%. This is the distribution of contraceptive users at all clinics funded by Title X in 2001 in Region III.

⁷ Source: Ranjit, et al. Contraceptive Failure in the First Two Years of Use, Family Planning Perspectives, vol. 33, no. 1, Jan/Feb 2001, Table 3.

Proposed Regulations

Note that the estimated reduction in the number of unintended pregnancies is for a 12-month period following the second month of postpartum whereas the services will be available for an additional 22-month period from the second month. Thus, the estimated 701 unintended pregnancies averted do not take into account the pregnancy outcomes during the additional 10-month period. If all assumptions remain the same during the additional 10-month period, the estimated number of reductions in unintended pregnancies would be 1.83 times higher. However, failure rates are reported to decrease in the second year of use by 36% on average.⁸ Thus, the expected reductions in unintended pregnancies during the second year of use calculated using the appropriate failure rates and the adjustment factor of 0.83 is applied to the results to obtain the estimate for a 10-month period. The results suggest that 1,278 unintended pregnancies would be averted during the whole 22-month period. In addition, the agency's estimated enrollment of 3,000 may be somewhat conservative. To give an idea of how these numbers would change if enrollment exceeds the agency's expectations, we estimate the number of unintended pregnancies for 5,000 recipients per year as well. Under this assumption, the estimated number of unintended pregnancies increases to 2,131 for the 22-month period.

Although these estimates are subject to significant uncertainty, what is more important is the distribution of these unintended pregnancies among averted births, averted terminated pregnancies, and averted miscarriages as they represent social costs and benefits that may be expected from the proposed family planning services. In other words, our conclusions are not sensitive to the errors in estimating the participation rate. They are more sensitive to estimates of expected outcomes of any unintended pregnancies that do occur. The following table aims to make this point explicitly clear. The table is prepared from the national data indicating that of these unintended pregnancies, 44% would end in births, 43% would end in terminated pregnancies, and 13% would end in miscarriages.⁹ This indicates that the probability of a live birth once an unintended pregnancy occurs (44%) is much lower than the probability of unintended pregnancy ending in a terminated pregnancy or miscarriage (56%).

⁸ Ranjit, Nalini, et al., 2001, "Contraceptive Failure in the First Two Years of Use: Differences Across Socioeconomic Subgroups," *Family Planning Perspectives*, v. 33, No. 1, pp. 19-27.

⁹ Contraceptive Use, Facts in Brief, The Alan Guttmacher Institute, downloaded from www.agi-usa.org on January 9, 2003.

Table 3: Unintended Pregnancy Outcomes for 3rd Month of Postpartum through 24th Month

<i>Enrollment</i>		<i>Total Unintended Pregnancies</i>	<i>Births (44%)</i>	<i>Abortions (43%)</i>	<i>Miscarriages (13%)</i>
3,000	Without the Waiver	1,666	733	716	217
	With the Waiver	388	171	167	50
	Estimated Decrease	1,278 (77%)	562 (77%)	550 (77%)	166 (77%)
5,000	Without the Waiver	2,777	1,222	1,194	361
	With the Waiver	646	284	278	84
	Estimated Decrease	2,131 (77%)	938 (77%)	916 (77%)	277 (77%)

The table shows that without publicly funded family planning services approximately 1,666 unintended pregnancies would occur during the 22-month extended Medicaid coverage if 3,000 women are enrolled in the program and 2,777 unintended pregnancies would occur if 5,000 women are enrolled. For the 3,000-enrollment level, of the unintended pregnancies, 733 would end in live births, 716 would end in terminated pregnancies, and 217 would end in miscarriages. With the waiver, the number of unintended pregnancies and consequently the number of births, terminated pregnancies, and miscarriages are much lower (approximately 23% of pre-waiver level). Thus, the proposed regulations are estimated to decrease total unintended pregnancies by 1,278, unintended births by 562, unintended abortions by 550, and unintended miscarriages by 166. Note that the number of unintended births averted (562) is much lower than the total number of terminated pregnancies and miscarriages averted (716). Similarly, for the 5,000-enrollment level, the number of unintended pregnancies averted would be 2,131, the number of births averted would be 938, the number of terminated pregnancies averted would be 916, and the number of miscarriages averted would be 277.

Whether a pregnancy is intended or not makes a significant difference in the expected pregnancy outcome. The birth rates would be higher than terminated pregnancy rates for intended pregnancies although there is no data for the expected outcomes for intended pregnancies. The data is available however for all pregnancies. According to Virginia specific data of all pregnancies (intended plus unintended), 63% end in live births, 23% end in terminated pregnancies, and 15% end in miscarriages. In other words, the likelihood of a live birth is significantly higher than the likelihood of either a terminated pregnancy or miscarriage (63% vs. 38%) when all intended and unintended pregnancies are considered. As presented already, the opposite is true for unintended pregnancies. Among unintended pregnancies, the probability of a live birth is much lower than the probability of either a terminated pregnancy or miscarriage (44% vs. 56%).

The following discussion focuses on the potential changes in the public spending on family planning services and on economic effects on individuals as well as their families. The proposed waiver is expected to change the composition of the services for which Medicaid dollars are spent. With this waiver, Medicaid pays for family planning services for an

extended 22-month postpartum period. Table 1 shows that per capita expenditures are \$486 per enrollee for a 12-month period. When extrapolated for a 22-month period using the 1.83 adjustment factor, per capita expenditures become \$891 per enrollee. Similarly, per capita delivery/newborn/infant care expenditures become about \$15,204 per enrollee over the 22-month period. This indicates that Medicaid family planning expenditures would increase by \$2,672,951 for 3,000-enrollment level, and by \$4,454,919 for 5,000-enrollment level. Additionally, the department will incur approximately \$100,000 in one time information system modification costs, approximately \$100,000 in one time project evaluation costs, and an additional \$100,000 in ongoing administrative costs for eligibility determinations, public awareness, etc. Thus, expected ongoing costs should be adjusted upward by the additional \$100,000 in administrative costs and by the annualized costs for other one-time expenditures (assuming 10 year project horizon, translates to approximately 20,000 annually).

On the other hand, Table 3 indicates that 562 and 938 births would be averted at the 3,000 and 5,000 enrollment levels, respectively. This produces \$8,554,399 and \$14,260,936 in estimated cost savings in Medicaid delivery/newborn/infant care expenditures for 3,000 and 5,000 enrollment levels, respectively. These estimates indicate that for every Medicaid dollar spent on family planning produces about a \$3.20 cost savings in Medicaid delivery/newborn/infant care expenditures. This derived cost benefit ratio is consistent with the earlier research finding that every Medicaid dollar spent on family planning, a \$3 dollar savings is realized in other Medicaid expenditures, which is also used by the department to illustrate the budget neutrality of the proposed project to federal CMS. In addition to cost savings in delivery/newborn/infant care expenditures, there would also be cost savings in prenatal care expenditures and/or medical/surgical expenditures for miscarriages, which are not included due to lack of data.

The net effect of the additional costs and benefits on the Commonwealth is complicated by the fact that Medicaid expenditures for family planning services have a 90% federal support for majority of the expenditures and 75% and 51% match for some other expenditures. The following table breaks down the expected Medicaid costs and cost savings among the state and federal dollars.

Proposed Regulations

Table 4: Medicaid Costs and Cost Savings by State and Federal Support

<i>Enrollment</i>	<i>Category</i>	<i>State Share</i>	<i>Federal Share</i>	<i>Total</i>
3,000	Family Planning Costs	\$267,295 (10%)	\$2,405,656 (90%)	\$2,672,951
	System Costs	\$2,500 (25%)	\$7,500 (75%)	\$10,000
	Evaluation Costs	\$1,000 (10%)	\$9,000 (90%)	\$10,000
	Administrative Costs	\$9,800 (49%)	\$10,200 (51%)	\$20,000
	Total Costs	\$280,595	\$2,432,356	\$2,712,951
	Total Benefits (Delivery/Newborn/Infant)	\$854,440 (10%)	\$7,689,959 (90%)	\$8,544,399
	Benefit/Cost Ratio	3.05	3.16	3.15
	Net Benefits	\$573,845	\$5,257,603	\$5,831,448
5,000	Family Planning Costs	\$445,492 (10%)	\$4,009,427 (90%)	\$4,454,919
	System Costs	\$2,500 (25%)	\$7,500 (75%)	\$10,000
	Evaluation Costs	\$1,000 (10%)	\$9,000 (90%)	\$10,000
	Administrative Costs	\$9,800 (49%)	\$10,200 (51%)	\$20,000
	Total Costs	\$458,792	\$4,036,127	\$4,494,919
	Total Benefits (Delivery/Newborn/ Infant)	\$1,426,094 (10%)	\$12,834,843 (90%)	\$14,260,936
	Benefit/Cost Ratio	3.11	3.18	3.17
	Net Benefits	\$967,302	\$8,798,716	\$9,766,017

The results indicate that the Commonwealth would incur approximately \$280,595 in its participation in Medicaid family planning services and save approximately \$854,440 in delivery/newborn/infant costs resulting a net benefit of \$573,845 for an annual enrollment of 3,000. If the annual enrollment is at 5,000 level, then estimated net cost savings in Medicaid expenditures to Virginia would be about \$967,302. Note that the impact on Medicaid expenditures does not cover the full range of cost effectiveness of the family planning services as the cost savings from averted terminated pregnancies and miscarriages that would be paid privately or by indigent care funds are not taken into account.

One of the other economic effects expected from extended coverage for family planning services is the substitution of publicly funded healthcare for private spending on family planning. This is often referred to as "crowding out." Crowding out occurs when rational individuals substitute a costless alternative provided by the government for an otherwise costly service. For instance, if the government provides free bread, individuals would not purchase bread out of their pocket, but would rather rely on the government. In other words, government funds spent on bread would crowd-out, or replace out-of-pocket expenditures on bread.

Similarly, the family planning waiver expenditures will likely replace, or crowd out some of the privately paid family planning services. For example, in Table 2 it is assumed that of the 3,000 enrollees, about 2,190 recipients would be already using a contraceptive method prior to receiving services under the waiver. Similarly, for the 5,000-enrollment level about 3,650 recipients are estimated to use family planning services in the absence of the waiver. With the waiver, almost all of these recipients would not be purchasing otherwise privately paid family planning services. Also, it is expected that this waiver will divert some recipients away from other publicly provided family planning services such as those provided with Title X funds. However, in the end, these Title X funds will be used to serve additional women who would not otherwise use family planning services. Therefore, the

proposed waiver will likely first crowd out some family planning services provided through Title X funds, which in turn would crowd out about the same private spending on family planning services. This means that at the aggregate, the provided waiver services will likely crowd out private spending currently undertaken by 73% of the expected enrollees either directly or indirectly through the Title X program. However, there does not seem to be a solution in the current literature to eliminate this problem without creating inequities in access to coverage. Thus, some level of substitution of public coverage for private coverage is an unavoidable effect of any program designed to make sure that those eligible individuals who need health planning services get them.

While crowding out occurs with almost any programs that offer public assistance, economic effects of family planning crowding out may not be tremendous for Virginia as suggested by the potential crowding out by 73% of enrollees. The 133% of federal poverty level for waiver eligibility results in lower "acceptable" level of crowding out because, of the 73% low-income enrollees, probably most would be using "low-cost" family planning services or a limited range of services if public funds are not made available to them.¹⁰ If this is the case, then the magnitude of crowding out will likely be small. Also, under the waiver, potential crowding out of private family planning expenditures will be financed 90% from federal funds and the Commonwealth will finance only one tenth. One dollar crowding out in private insurance will save the eligible women exactly one dollar which will increase the federal dollars coming to the Commonwealth by 90 cents, and increase state expenditures by only 10 cents. These suggest that the adverse effects of crowding out may not be great for Virginia. Moreover, crowding out will likely provide some financial relief to low-income women, which could be considered as a form of subsidy to them.

¹⁰ Potential recipients have budget constraints just like everybody. However, their incomes are low. A low-income family will spend less money on family planning services relative to that they would spend with public funds.

There is also likely to be some financial savings to women who unintentionally get pregnant and who would otherwise terminate their pregnancies. As mentioned before, the department does not pay for abortion services unless the life or health of the mother is endangered if the fetus is carried to term. Thus, any abortion costs must be paid privately. Since the proposed waiver is expected to reduce the number of terminated pregnancies among unintended pregnancies, these women and/or their families are expected to realize some financial savings in abortion costs that would have otherwise occurred. Table 3 shows that estimated number of terminated pregnancies averted is 550 for 3,000-enrollment level and 916 for 5,000-enrollment level. In 1997, the average cost of a non-hospital abortion with local anesthesia at 10 weeks of gestation was \$316, but the cost ranged from \$150 to \$1,535.¹¹ The growth in consumer price index for medical care in the District of Columbia, Maryland, West Virginia, and Virginia was 11.5% from the beginning of 1998 to the end of 2002.¹² This implies that the average cost of surgical abortion would be approximately \$352 currently. Therefore, private cost savings in abortion related medical care is approximately \$193,600 at the 3,000-enrollment level and \$322,432 at the 5,000-enrollment level.

Although financial aspects of averted births, abortions, and miscarriages are discussed first, non-financial economic effects of these events are probably much more significant. Eligible low-income women are probably at risk of unintended pregnancies because they are unlikely to have private insurance coverage or personal funds to purchase family planning services. The waiver services are expected to benefit the health and welfare of these women in their childbearing years, to reduce maternal mortality and morbidity, and to improve the health of children, by allowing women to plan their pregnancies, by decreasing their risk of experiencing poor birth outcomes, and by averting the unintended births.^{13, 14} Adolescent women, women with several children, and women with existing health problems are particularly susceptible to health risks because their bodies may not be mature enough to handle a pregnancy and experience obstetrical complications, may not have gained sufficient strength following a previous pregnancy, or may face complication due to other health conditions, respectively. Closely spaced births (usually within two years) are more likely to be premature and low-birth-weight. By practicing family planning, women can avoid high-risk births and reduce their chances of having a baby who will die in infancy. Also, there are risks associated with normal childbirth, which would be reduced with the anticipated decrease in unintended pregnancies.

Poor birth outcomes may not only result in neonatal care, but also in expensive long lasting health care services for

developmentally delayed children, which may not be covered by Medicaid. Thus, there is chance that families or the Commonwealth (through indigent care services) may have to incur these costs. Thus, the Commonwealth may experience decreased costs associated with caring for and educating children with development delays and disabilities. The reduction in unintended pregnancies may prevent welfare dependency as well.

This program will provide a choice to women who wishes to use publicly provided family planning services. Exercise of this option can only provide personal benefits to the decision maker. In this sense, the proposed waiver will likely benefit the women and the families who choose to use these services. For example, the impact of a long lasting poor birth outcome or an additional unplanned baby may significantly affect the quality of life for the whole family. Families' ability to adequately invest in healthcare, education, and time for preceding children as well as the chance of breast-feeding may be seriously limited. Unplanned births may also hurt the women's educational, career, and other goals in life, which in turn may hurt the family as a whole. However, it is also possible that some normal births that are not intended may significantly increase the family's quality of life in some other cases.

In case of averted terminated pregnancies and miscarriages, there may be significant personal costs for a woman or her family. Additionally, by averting terminated pregnancies, the risk of abortion complications to women would also be reduced. This risk is known to be less than 1% of all abortion patients.¹⁵ In short, averting terminated pregnancies and miscarriages may improve the quality of life for the women as well as for their families and may represent a significant benefit for the waiver services the recipients choose to use.

Some other additional benefits of expanding family planning services may stem from the use of contraceptives. In addition to controlling unwanted pregnancies, condoms offer protection against infection with HIV and STDs. Concerns about these diseases in the last decade prompted many women to use condoms in combination with other methods (particularly with the pill).¹⁶ Although Table 2 indicates a decrease in condom method with the waiver (1,600 vs. 1,050) it is somewhat misleading. Many women who use other methods, pill in particular, also use condoms as a secondary method, which is not captured in Table 2, as it reports primary method of contraception. It is highly unlikely that women who are concerned about HIV and STDs would stop using condoms especially when the condoms are provided with public funds free of charge. In all likelihood publicly funded family planning services is expected to increase or promote use of condoms among those who are concerned about sexual diseases which represents an additional benefit of the proposed waiver services.

¹¹ The Alan Guttmacher Institute, Facts in Brief, "Induced Abortion," downloaded from www.agi-usa.org on 01/12/2003.

¹² Source: www.economagic.com as of 01/12/2003.

¹³ Trussell, James, et al., 1995, "The Economic Value of Contraception: A comparison of 15 Methods," *American Journal of Public Health*, v. 85 No. 4, pp. 494-503.

¹⁴ Trussell, James et al., 1997, "Medical Care Costs Savings from Adolescent Contraceptive Use," *Family Planning Perspectives*, v. 29, No. 6.

¹⁵ The Alan Guttmacher Institute, Facts in Brief, "Induced Abortion," downloaded from www.agi-usa.org on 01/12/2003.

¹⁶ Piccinino, Linda J. and William D. Mosher, 1998, "Trends in Contraceptive Use in the United States: 1982:1995," *Family Planning Perspectives*, v. 30, no. 1.

Proposed Regulations

Finally, to a lesser extent, spermicides and diaphragm may help prevent STDs and hormonal contraceptive methods may provide protection against iron deficiency, anemia, menstrual problems, and provide other similar benefits. Screening and testing may also help detect some potential life threatening conditions such as cervical or breast cancer early on and improve recipient women's health. There is also a chance that some contraceptives may increase health risks to women in some cases. An assessment of these smaller, ancillary effects of contraceptive use is beyond the scope of this report, and, in any event, would be unlikely to change any of the principle conclusions of this analysis.

In summary, the proposed waiver is highly cost effective and will produce a net fiscal savings by avoiding future Medicaid expenditures that would otherwise occur. The waiver program will likely reduce births, abortions, and miscarriages because it will lower the number of women who would otherwise become unintentionally pregnant in the absence of these publicly provided family planning services. The averted abortions and miscarriages represent a significant social benefit of the proposed regulation. Providing indigent families with the option of having greater control over the timing of pregnancies can only benefit them, since they can choose not to use the services if they so desire. Thus, we can conclude that this waiver program is likely to have both a fiscal benefit for Virginia taxpayers, and an economic benefit to the families who choose to take advantage of it.

Businesses and entities affected. The department estimates that the proposed regulation will make available family planning services to an additional 3,000 recipients per year.

Localities particularly affected. The proposed regulation will not uniquely affect any particular locality.

Projected impact on employment. We can expect to see an increase in labor demand in the family planning area while the labor demand in delivery/infant/newborn care area would probably decrease marginally. The net employment effect on healthcare providers is unknown, but is likely to be rather small.

Effects on the use and value of private property. The proposed changes will likely positively affect the value of privately owned family planning service businesses while there is likely to be a more pronounced negative effect on private delivery/infant/newborn care businesses.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Medical Assistance Services has reviewed the Economic Impact Analysis prepared by the Virginia Department of Planning and Budget and is in agreement with the overall conclusions of the report. The regulatory policies provided for in the family planning waiver are expected to enhance the quality of life for a number of the Commonwealth's women and their families. The department believes that the family planning waiver program will have an overall positive impact on the Commonwealth's economy.

Summary:

These proposed regulations extend Medicaid coverage for family planning services, annual gynecological exams, and testing for sexually transmitted diseases up to 24 months

postpartum to women who received a Medicaid reimbursed pregnancy-related service on or after October 1, 2002.

CHAPTER 135. DEMONSTRATION WAIVER SERVICES.

PART I. FAMILY PLANNING WAIVER.

12 VAC 30-135-10. Definitions.

The following words and terms when used in this part shall have the following meanings unless the context clearly indicates otherwise:

"Eligible family planning waiver recipient" means a woman of child-bearing years (9 to 57 years of age) who received a Virginia Medicaid reimbursed pregnancy-related service on or after October 1, 2002, who is less than 24 months postpartum, who has income less than or equal to 133% of the federal poverty level, and who is not otherwise eligible for Virginia Medicaid coverage.

"FDA" means the Food and Drug Administration.

"Family planning" means those services necessary to prevent or delay a pregnancy. It shall not include services to promote pregnancy such as infertility treatments. Family planning does not include counseling about, recommendations for or performance of abortions, or hysterectomies or procedures performed for medical reasons such as removal of intrauterine devices due to infections.

"Pregnancy-related service" means medical services rendered to monitor, manage, and treat issues related to pregnancy, labor, and delivery during the woman's gestation.

"Third party" means any individual entity or program that is or may be liable to pay all or part of the expenditures for medical assistance furnished under the State Plan for Medical Assistance.

"Over-the-counter" means drugs and contraceptives that are available for purchase without requiring a physician's prescription.

12 VAC 30-135-20. Administration and eligibility determination.

A. The Department of Medical Assistance Services shall administer the family planning demonstration waiver services program under the authority of § 1115(a) of the Social Security Act and 42 USC § 1315.

B. Local departments of social services shall be responsible for determining eligibility of and for enrolling eligible women in the family planning waiver. Local departments of social services shall conduct periodic reviews and redeterminations of eligibility at least every 12 months while recipients are enrolled in the family planning waiver.

C. A recipient's enrollment in the family planning waiver shall be terminated if a reported change or annual redetermination results in the woman's categorical eligibility for Virginia Medicaid or ineligibility for the family planning waiver. A 10-day advance notice must be provided prior to cancellation of coverage under the family planning waiver.

D. Women enrolled in Virginia Medicaid as pregnant women will be notified during their 60-day postpartum period that their Medicaid benefits will be terminated effective the end of the month in which their 60-day postpartum period expires. The cancellation notice will include information about possible eligibility for extended coverage for the family planning waiver for 22 months following the end of their 60-day postpartum period. The notice will provide information about how to apply for services.

12VAC-135-30. Eligibility.

A. Women enrolled in the waiver, but who subsequently fail to meet the requirements of an eligible family planning waiver recipient (for example, reach the age of 58), will no longer be eligible for the family planning waiver.

B. Women who do not meet the alien eligibility requirements for full Virginia Medicaid coverage and whose labor and delivery is paid as an emergency medical service under Medicaid shall not be eligible to participate in the family planning waiver.

12 VAC 30-135-40. Covered services.

A. Services provided under the family planning waiver are limited to:

1. Family planning office visits including annual gynecological exams (one per 12 months), sexually transmitted diseases (STD) testing (limited to the initial family planning encounter), Pap tests (limited to one every six months);
2. Laboratory services for family planning and STD testing;
3. Family planning education and counseling;
4. FDA approved contraceptives, including diaphragms, contraceptive injectables, and contraceptive implants;
5. Over-the-counter contraceptives; and
6. Sterilizations, not to include hysterectomies. A completed sterilization consent form, in accordance with the requirements of 42 CFR Part 441, Subpart F, must be submitted with all claims for payment for this service.

B. Services not covered under the family planning waiver include, but are not limited to:

1. Performance of, counseling for, or recommendations of abortions;
2. Infertility treatments;
3. Procedures performed for medical reasons;
4. Performance of a hysterectomy; and
5. Transportation to a family planning service.

12 VAC 30-135-50. Provider qualifications.

Services provided under this waiver must be ordered or prescribed and directed or performed within the scope of the licensed practitioner. Any appropriately licensed Medicaid enrolled physician, nurse practitioner, or medical clinic may provide services under this waiver.

12 VAC 30-135-60. Quality assurance.

The Department of Medical Assistance Services shall provide for continuing review and evaluation of the care and services paid by Medicaid under this waiver. To ensure a thorough review, trained professionals shall review cases either through desk audit or through on-site reviews of medical records. Providers shall be required to refund payments made by Medicaid if they are found to have billed Medicaid for services not covered under this waiver, if records or documentation supporting claims are not maintained, or if bills are submitted for medically unnecessary services.

12 VAC 30-135-70. Reimbursement.

Providers will be reimbursed on a fee-for-service basis.

All reasonable measures including those measures specified under 42 USC § 1396 (a) (25) will be taken to ascertain the legal liability of third parties to pay for authorized care and services provided to eligible recipients.

12 VAC 30-135-80. Recipients' rights and right to appeal.

Women found eligible for and enrolled in the family planning waiver shall have freedom of choice of providers. Women will be free from coercion or mental pressure and shall be free to choose their preferred methods of family planning. The client appeals process at 12 VAC 30-110 shall be applicable to applicants for and recipients of family planning services under this waiver.

VA.R. Doc. No. R02-216; Filed February 28, 2003; 3:20 p.m.

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

Title of Regulation: **12 VAC 35-105. Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation and Substance Abuse Services (amending 12 VAC 35-105-20, 12 VAC 35-105-30, 12 VAC 35-105-280, 12 VAC 35-105-590, 12 VAC 35-105-660 and 12 VAC 35-105-800).**

Statutory Authority: §§ 37.1-10, 37.1-179.1, and 37.1-182 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until May 23, 2003.

(See Calendar of Events section for additional information)

Agency Contact: Leslie Anderson, Director of Licensing, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 371-6885, FAX (804) 692-0066, or e-mail landerson@dmhmrsas.state.va.us.

Basis: Section 37.1-10 of the Code of Virginia empowers the board to adopt any regulations as may be necessary to carry out the provisions of Title 37.1 of the Code of Virginia and any other laws administered by the commissioner or the department. Section 37.1.179.1 of the Code of Virginia authorizes the Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS) to license day support, crisis stabilization, and in-home support

Proposed Regulations

services funded through the Individual and Family Development Disabilities Support (IFDDS) Waiver.

Purpose: The purpose of this action is to promulgate provisions to license day support, crisis stabilization, and in-home support services funded through the IFDDS by amending the regulations to cover providers of these services. Amendments were needed to incorporate definitions and references appropriate to the individuals and services covered by the IFDDS Waiver. Licensing of these services is necessary for individuals being served under the Developmental Disabilities Waiver to receive Medicaid funding for such services. Prior to the General Assembly designating licensing authority to the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS), providers and families could not access these funds because no agency could license IFDDS services. IFDDS services allow individuals with developmental disabilities to be served in community settings.

Substance: The action is proposed to amend the existing licensing regulations as follows:

1. Modify several definitions to reflect the services provided under the IFDDS Waiver and add definitions of terms relevant to the services.
2. Incorporate reference to the IFDDS services in 12 VAC 35-105-30.
3. Require that supervision be provided by a Qualified Developmental Disabilities Professional (QDDP) in 12 VAC 35-105-590 C 2 and that assessment and individual service plans (ISP) be approved by a QDDP.
4. Require that services be accessible to individuals with physical and sensory disabilities in 12 VAC 35-105-280 A.
5. Require that the ISP be consistent with the Consumer Service Plan in 12 VAC 35-105-660 I.

Issues:

A. The advantage of this regulatory action is that DMHMRSAS will be able to license providers of services funded by the IFDDS Waiver by making minimal changes to the existing regulations for licensing providers of mental health, mental retardation and substance abuse services. The promulgation of these regulations will allow individuals to access IFDDS Waiver funding for needed services, since such services may only be provided by licensed providers. It allows providers already licensed by DMHMRSAS to modify existing licenses and begin providing these services. It also allows new providers to become licensed and serve this population.

B. The advantage to the Commonwealth is that by minimally amending existing licensing regulations, the implementation of licensing for these services is expedited and can occur at a relatively low cost to the Commonwealth.

C. There is no known disadvantage to the public or Commonwealth associated with the promulgation of these regulations.

Fiscal Impact:

A. There is a very minimal cost to the DMHMRSAS Office of Licensing to implement and enforce the proposed regulation. The IFDDS Waiver is a small waiver and most of the providers of such services are currently licensed by DMHMRSAS as mental health or mental retardation service providers. While the implementation of the emergency regulations have resulted in an increased number of providers licensed to provide IFDDS services (approximately 15 providers), these regulations have not resulted in a significant number of brand new providers that are not already licensed by DMHMRSAS. The cost to modify existing licenses, approve a small number of new providers, and monitor these providers, is minimal. The cost is projected to remain that way unless significant additional funding is allocated to the IFDDS Waiver.

These functions of the Office of Licensing are funded through general fund dollars. The Office of Licensing's annual budget is \$1,105,836 for current FY 2003.

B. There is no cost to localities associated with the implementation of the regulations.

C. The businesses affected by these regulations are public and private providers who wish to provide IFDDS services. Individuals affected are individuals with developmental disabilities and related conditions using services provided under the IFDDS Waiver.

D. To date, approximately 15 providers have secured IFDDS licenses under the emergency regulations. Each of these was already licensed by DMHMRSAS as a provider of other services.

E. The costs associated with the implementation of these regulations is minimal (if any) to existing providers. The costs impact to new providers licensed by these regulations is not known, as the cost will depend upon the level of services already offered by the provider.

Department of Planning and Budget's Economic Impact

Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulations will permanently authorize the Department of Mental Health, Mental Retardation, and Substance Abuse Services to license providers of day support, crisis stabilization, and in-home support services.

Estimated economic impact. These regulations contain licensure requirements for providers of mental health, mental retardation, and substance abuse services. The economic

rationale for licensing is to minimize potential "agency costs." Agency costs arise in situations where there is a conflict of interest between the principal and the agent. Within the context of these regulations, the principal is the purchaser of mental health services and the agents are the providers. Most providers have a profit maximizing incentive, which forces them to provide the minimum level of services for a given price. Given the provider incentives, there is need for a purchaser to make sure that there is a mechanism in place in order to assure the quality of service for the price paid. Licensing is often employed to mitigate the potential principal-agent costs that exist in the health care market.

The Commonwealth's licensing agency for mental health-related services is the Department of Mental Health, Mental Retardation, and Substance Abuse Services (the department). And Virginia's Medicaid program is one of the major purchasers of these services. Medicaid purchases some of these services under the Individual and Family Developmental Disabilities Support (IFDDS) Waiver for its recipients. Approximately half of the Medicaid spending for this waiver is financed by state support and the remaining half is financed by federal support.

Medicaid requires that all providers be licensed to qualify reimbursement in order to mitigate potential agency costs. Prior to 2002, the department did not have the authority to license providers of day support, crisis stabilization, and in-home support services. However, it was acceptable to Medicaid to pay for these services as long as the provider had a license for mental health, mental retardation, or substance abuse services. In practice, this prohibited provision of day support, crisis stabilization, and in-home support services by any provider other than then existing providers of other mental health services. In other words, providers were not afforded an opportunity to offer stand-alone day support, crisis stabilization, and in-home support services to Medicaid and they had to offer these services in conjunction with other services that were licensed. At the same time, some of the Medicaid IFDDS waiver funds were unused.

The 2002 General Assembly passed legislation that authorized the department to license the providers of day support, crisis stabilization, and in-home support services regardless of whether other services such as mental health, mental retardation, or substance abuse were provided in order to increase the utilization of the new services by available unspent Medicaid funds.

As a result, then-licensed providers modified their existing licenses to continue to be able to provide day support, crisis stabilization, and in-home support services to waiver recipients and a number of new providers also obtained a license from the department under the emergency regulations. Thus, these services became available in areas of the Commonwealth where there were no licensed providers previously. In fiscal year 2002, Medicaid spent \$60,205 for 15 day-support recipients, \$315,873 for 33 in-home support recipients, and \$1,722 for one crisis stabilization recipient.

The proposed changes probably increased the number of IFDDS Waiver recipients and the amount of Medicaid dollars spent on day support, crisis stabilization, and in-home support services. These newly available services appear to focus on

keeping recipients in their homes and communities. Thus, the increased utilization of day support, crisis stabilization, and in-home support services has the potential to reduce the costs of residential treatment and may provide some cost savings. Another benefit of this change is to allow the Commonwealth to finance these services at half price because of the federal matching.

There are some costs associated with modifying the existing provider licenses, issuing new licenses, monitoring of new providers, and investigating consumer complaints on the department. The department indicates that most of these costs are small as most of the providers are just modifying their licenses and there are only a few new license applications received. Similarly, the new or existing providers incurred some small additional costs to either modify their licenses, or to obtain new licenses. However, participation in the IFDDS Waiver is not mandatory. Therefore, new or existing providers would seek licenses only if the expected benefits exceeded the potential costs.

In summary, this change probably increased expenditures in day support, crisis stabilization, and in-home support services and appears to have the potential to provide some savings in residential treatment costs.

Businesses and entities affected. The proposed regulations apply to providers of day support, crisis stabilization, and in-home support service providers. Currently, about 11 facilities have a license to provide these services in Virginia.

Localities particularly affected. The proposed regulations apply throughout the Commonwealth.

Projected impact on employment. The proposed change probably increased the demand for day support, crisis stabilization, and in-home support services by a small amount.

Effects on the use and value of private property. Similarly, the potential increase in revenues of day support, crisis stabilization, and in-home support service providers may have positively affected their value.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

These proposed amendments incorporate provisions to licensed providers of day support, crisis stabilization, and in-home support services funded through the Individual and Family Developmental Disabilities Support (IFDDS) Waiver. Licensing of these services is necessary to receive Medicaid IFDDS funding. These amendments primarily add terminology and a few additional requirements applicable to these newly covered services. The proposed regulations are identical to the emergency regulations that are currently in effect.

12 VAC 35-105-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

Proposed Regulations

"Abuse" (§ 37.1-1 of the Code of Virginia) means any act or failure to act, by an employee or other person responsible for the care of an individual receiving services that was performed or was failed to be performed knowingly, recklessly, or intentionally, and that caused or might have caused physical or psychological harm, injury, or death to an individual receiving services. Examples of abuse include, but are not limited to, the following:

1. Rape, sexual assault, or other criminal sexual behavior;
2. Assault or battery;
3. Use of language that demeans, threatens, intimidates or humiliates the person;
4. Misuse or misappropriation of the person's assets, goods or property;
5. Use of excessive force when placing a person in physical or mechanical restraint;
6. Use of physical or mechanical restraints on a person that is not in compliance with federal and state laws, regulations, and policies, professional accepted standards of practice or the person's individual service plan;
7. Use of more restrictive or intensive services or denial of services to punish the person or that is not consistent with his individual service plan.

"Admission" means the process of acceptance into a service that includes orientation to service goals, rules and requirements, and assignment to appropriate employees.

"Behavior management" means those principles and methods employed by a provider to help an individual receiving services to achieve a positive outcome and to address and correct inappropriate behavior in a constructive and safe manner. Behavior management principles and methods must be employed in accordance with the individualized service plan and written policies and procedures governing service expectations, treatment goals, safety and security.

"Behavioral or positive behavior support treatment program" means any set of documented procedures that are an integral part of the interdisciplinary treatment plan and are developed on the basis of a systemic data collection such as a functional assessment for the purpose of assisting an individual receiving services to achieve any or all of the following: (i) improved behavioral functioning and effectiveness; (ii) alleviation of the symptoms of psychopathology; or (iii) reduction of serious behaviors. A behavioral treatment program can also be referred to as a behavioral treatment plan or behavioral support plan.

"Care" or **"treatment"** means a set of individually planned interventions, training, habilitation, or supports that help an individual obtain or maintain an optimal level of functioning, reduce the effects of disability or discomfort, or ameliorate symptoms, undesirable changes or conditions specific to physical, mental, behavioral, *cognitive*, or social functioning.

"Case management service" means assisting individuals and their families to access services and supports that are essential to meeting their basic needs identified in their individualized service plan, which include not only accessing

needed mental health, mental retardation and substance abuse services, but also any medical, nutritional, social, educational, vocational and employment, housing, economic assistance, transportation, leisure and recreational, legal, and advocacy services and supports that the individual needs to function in a community setting. Maintaining waiting lists for services, case management tracking and periodically contacting individuals for the purpose of determining the potential need for services shall be considered screening and referral and not admission into licensed case management.

"Clubhouse service" means the provision of recovery-oriented psychosocial rehabilitation services in a nonresidential setting on a regular basis not less than two hours per day, five days per week, in which clubhouse members and employees work together in the development and implementation of structured activities involved in the day-to-day operation of the clubhouse facilities and in other social and employment opportunities through skills training, peer support, vocational rehabilitation, and community resource development. *Clubhouse services provided under the Individual and Family Developmental Disabilities Support (IFDDS) Waiver are provided not less than three days per week.*

"Commissioner" means the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services or his authorized agent.

"Community gero-psychiatric residential services" means 24-hour nonacute care in conjunction with treatment in a setting that provides less intensive services than a hospital, but more intensive mental health services than a nursing home or group home. Individuals with mental illness, behavioral problems, and concomitant health problems (usually age 65 and older), appropriately treated in a geriatric setting, are provided intense supervision, psychiatric care, behavioral treatment planning, nursing, and other health related services. An Interdisciplinary Services Team assesses the individual and develops the services plan.

"Community intermediate care facility/mental retardation (ICF/MR)" means a service licensed by the Department of Mental Health, Mental Retardation, and Substance Abuse Services in which care is provided to individuals who have mental retardation who are not in need of nursing care, but who need more intensive training and supervision than may be available in an assisted living facility or group home. Such facilities must comply with Title XIX of the Social Security Act standards, provide health or rehabilitative services, and provide active treatment to individuals receiving services toward the achievement of a more independent level of functioning or an improved quality of life.

"Complaint" means an allegation brought to the attention of the department that a licensed provider violated these regulations.

"Consumer service plan (CSP)" means a comprehensive and regularly updated written plan of action to meet the needs and preferences of an individual with a developmental disability or other related conditions. *This plan is developed by the support coordinator for an individual served through the IFDDS Waiver.*

"Corrective action plan" means the provider's pledged corrective action in response to noncompliances documented by the regulatory authority. A corrective action plan must be completed within a specified time.

"Correctional facility" means a facility operated under the management and control of the Virginia Department of Corrections.

"Corporal punishment" means punishment administered through the intentional inflicting of pain or discomfort to the body (i) through actions such as, but not limited to, striking or hitting with any part of the body or with an implement; (ii) through pinching, pulling or shaking; or (iii) through any similar action that normally inflicts pain or discomfort.

"Crisis" means a situation in which an individual presents an immediate danger to self or others or is at risk of serious mental or physical health deterioration.

"Crisis stabilization" means direct, intensive intervention to individuals who are experiencing serious psychiatric or behavioral problems, or both, that jeopardize their current community living situation. This service shall include temporary intensive services and supports that avert emergency psychiatric hospitalization or institutional placement or prevent out-of-home placement. This service shall be designed to stabilize recipients and strengthen the current living situations so that individuals can be maintained in the community during and beyond the crisis period.

"Day support service" means the provision of individualized planned activities, supports, training, supervision, and transportation to individuals with mental retardation or developmental disabilities or related conditions to improve functioning or maintain an optimal level of functioning. Services may enhance the following skills: self-care and hygiene, eating, toileting, task learning, community resource utilization, environmental and behavioral skills, social, medication management, and transportation. Services provide opportunities for peer interaction and community integration. Services may be provided in a facility (center based) or provided out in the community (noncenter based). Services are provided for two or more consecutive hours per day. The term "day support service" does not include services in which the primary function is to provide extended sheltered or competitive employment, supported or transitional employment services, general education services, general recreational services, or outpatient services licensed pursuant to this chapter.

"Day treatment services" means the provision of coordinated, intensive, comprehensive, and multidisciplinary treatment to individuals through a combination of diagnostic, medical, psychiatric, case management, psychosocial rehabilitation, prevocational and educational services. Services are provided for two or more consecutive hours per day.

"Department" means the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services.

"Developmental disabilities and related conditions" means autism or a severe, chronic disability that meets all of the following conditions identified in 42 CFR 435.1009:

1. It is attributable to cerebral palsy, epilepsy or any other condition, other than mental illness, that is found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to behavior of persons with mental retardation, and requires treatment or services similar to those required for these persons.

2. It is manifested before the person reaches age 22.

3. It is likely to continue indefinitely.

4. It results in substantial functional limitations in three or more of the following areas of major life activity:

a. Self-care;

b. Understanding and use of language;

c. Learning;

d. Mobility;

e. Self-direction; or

f. Capacity for independent living.

"Discharge" means the process by which the individual's active involvement with a provider is terminated by the provider.

"Discharge plan" means the written plan that establishes the criteria for an individual's discharge from a service and coordinates planning for aftercare services.

"Dispense" means to deliver a drug to an ultimate user by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling or compounding necessary to prepare the substance for that delivery. (§ 54.1-3400 et seq. of the Code of Virginia.)

"Emergency service" means mental health, mental retardation or substance abuse services available 24 hours a day and seven days per week that provide crisis intervention, stabilization, and referral assistance over the telephone or face-to-face for individuals seeking services for themselves or others. Emergency services may include walk-ins, home visits, jail interventions, pre-admission screenings, and other activities designed to stabilize an individual within the setting most appropriate to the individual's current condition.

"Group home residential service" means a congregate residential service providing 24-hour supervision in a community-based, home-like dwelling. These services are provided for individuals needing assistance, counseling, and training in activities of daily living or whose service plan identifies the need for the specific type of supervision or counseling available in this setting.

"Home and noncenter based" means that a service is provided in the home or other noncenter-based setting. This includes but is not limited to noncenter-based day support, supportive in-home, and intensive in-home services.

"IFDDS Waiver" means the Individual and Family Developmental Disabilities Support Waiver.

"Individual" or *"individual receiving services"* means a person receiving care or treatment or other services from a provider

Proposed Regulations

licensed under this chapter whether that person is referred to as a patient, client, resident, student, individual, recipient, family member, relative, or other term. When the term is used, the requirement applies to every individual receiving services of the provider.

"Individualized services plan" or "ISP" means a comprehensive and regularly updated written plan of action to meet the needs and preferences of an individual.

"Inpatient psychiatric service" means a 24-hour intensive medical, nursing care and treatment provided for individuals with mental illness or problems with substance abuse in a hospital as defined in § 32.1-123 of the Code of Virginia or in a special unit of such a hospital.

"Instrumental activities of daily living (ADL)" means social tasks (e.g., meal preparation, shopping, housekeeping, laundry, and money management). An individual's degree of independence in performing these activities is part of determining appropriate level of care and services.

"Intensive Community Treatment (ICT) service" means a self-contained interdisciplinary team of at least five full-time equivalent clinical staff, a program assistant, and a full-time psychiatrist that:

1. Assumes responsibility for directly providing needed treatment, rehabilitation, and support services to identified individuals with severe and persistent mental illnesses;
2. Minimally refers individuals to outside service providers;
3. Provides services on a long-term care basis with continuity of caregivers over time;
4. Delivers 75% or more of the services outside program offices; and
5. Emphasizes outreach, relationship building, and individualization of services.

The individuals to be served by ICT are individuals who have severe symptoms and impairments not effectively remedied by available treatments or who, because of reasons related to their mental illness, resist or avoid involvement with mental health services.

"Intensive in-home service" means family preservation interventions for children and adolescents who have or are at-risk of serious emotional disturbance, including such individuals who also have a diagnosis of mental retardation. Services are usually time limited provided typically in the residence of an individual who is at risk of being moved to out-of-home placement or who is being transitioned back home from an out-of-home placement. These services include crisis treatment; individual and family counseling; life, parenting, and communication skills; case management activities and coordination with other services; and emergency response.

"Intensive outpatient service" means treatment provided in a concentrated manner (involving multiple outpatient visits per week) over a period of time for individuals requiring stabilization. These services usually include multiple group therapy sessions during the week, individual and family therapy, individual monitoring, and case management.

"Investigation" means a detailed inquiry or systematic examination of the operations of a provider or its services regarding a violation of regulations or law. An investigation may be undertaken as a result of a complaint, an incident report or other information that comes to the attention of the department.

"Legally authorized representative" means a person permitted by law to give informed consent for disclosure of information and give informed consent to treatment, including medical treatment, and participation in human research for an individual who lacks the mental capacity to make these decisions.

"Licensed mental health professional (LMHP)" means a physician, licensed clinical psychologist, licensed professional counselor, licensed clinical social worker, licensed substance abuse treatment practitioner, or certification as a psychiatric clinical nurse specialist.

"Location" means a place where services are or could be provided.

"Medical detoxification" means a service provided in a hospital or other 24-hour care facility, under the supervision of medical personnel using medication to systematically eliminate or reduce effects of alcohol or other drugs in the body.

"Medical evaluation" means the process of assessing an individual's health status that includes a medical history and a physical examination of an individual conducted by a licensed medical practitioner operating within the scope of his license.

"Medication" means prescribed or over-the-counter drugs or both.

"Medication administration" means the direct application of medications by injection, inhalation, or ingestion or any other means to an individual receiving services by (i) persons legally permitted to administer medications or (ii) the individual at the direction and in the presence of persons legally permitted to administer medications.

"Medication error" means that an error has been made in administering a medication to an individual when any of the following occur: (i) the wrong medication is given to an individual, (ii) the wrong individual is given the medication, (iii) the wrong dosage is given to an individual, (iv) medication is given to an individual at the wrong time or not at all, or (v) the proper method is not used to give the medication to the individual.

"Medication storage" means any area where medications are maintained by the provider, including a locked cabinet, locked room, or locked box.

"Mental Health Community Support Service (MHCSS)" means the provision of recovery-oriented psychosocial rehabilitation services to individuals with long-term, severe psychiatric disabilities including skills training and assistance in accessing and effectively utilizing services and supports that are essential to meeting the needs identified in their individualized service plan and development of environmental supports necessary to sustain active community living as independently as possible. MHCSS Services are provided in any setting in

which the individual's needs can be addressed, skills training applied, and recovery experienced.

"Mental retardation" means substantial subaverage general intellectual functioning that originates during the development period and is associated with impairment in adaptive behavior. It exists concurrently with related limitations in two or more of the following applicable adaptive skill areas: communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure, and work.

"Mentally ill" means any person afflicted with mental disease to such an extent that for his own welfare or the welfare of others he requires care and treatment, or with mental disorder or functioning classifiable under the diagnostic criteria from the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association, Fourth Edition, 1994, that affects the well-being or behavior of an individual.

"Neglect" means the failure by an individual or provider responsible for providing services to provide nourishment, treatment, care, goods, or services necessary to the health, safety or welfare of a person receiving care or treatment for mental illness, mental retardation or substance abuse (§ 37.1-1 of the Code of Virginia). *This definition of neglect also applies to individuals receiving in-home support, crisis stabilization, and day support under the IFDDS Waiver.*

"Opioid treatment service" means an intervention strategy that combines treatment with the administering or dispensing of opioid agonist treatment medication. An individual-specific, physician-ordered dose of medication is administered or dispensed either for detoxification or maintenance treatment.

"Outpatient service" means a variety of treatment interventions generally provided to individuals, groups or families on an hourly schedule in a clinic or similar facility or in another location. Outpatient services include, but are not limited to, emergency services, crisis intervention services, diagnosis and evaluation, intake and screening, counseling, psychotherapy, behavior management, psychological testing and assessment, chemotherapy and medication management services, and jail based services. "Outpatient service" specifically includes:

1. Services operated by a community services board established pursuant to Chapter 10 (§ 37.1-194 et seq.) of Title 37.1 of the Code of Virginia;
2. Services funded wholly or in part, directly or indirectly, by a community services board established pursuant to Chapter 10 (§ 37.1-194 et seq.) of Title 37.1 of the Code of Virginia; or
3. Services that are owned, operated, or controlled by a corporation organized pursuant to the provisions of either Chapter 9 (§ 13.1-601 et seq.) or Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 of the Code of Virginia.

"Partial hospitalization service" means the provision within a medically supervised setting of day treatment services that are time-limited active treatment interventions, more intensive than outpatient services, designed to stabilize and ameliorate acute symptoms, and serve as an alternative to inpatient hospitalization or to reduce the length of a hospital stay.

"Program of Assertive Community Treatment (PACT) service" means a self-contained interdisciplinary team of at least 10 full-time equivalent clinical staff, a program assistant, and a full- or part-time psychiatrist that:

1. Assumes responsibility for directly providing needed treatment, rehabilitation, and support services to identified individuals with severe and persistent mental illnesses;
2. Minimally refers individuals to outside service providers;
3. Provides services on a long-term care basis with continuity of caregivers over time;
4. Delivers 75% or more of the services outside program offices; and
5. Emphasizes outreach, relationship building, and individualization of services.

The individuals to be served by PACT are individuals who have severe symptoms and impairments not effectively remedied by available treatments or who, because of reasons related to their mental illness, resist or avoid involvement with mental health services.

"Provider" means any person, entity or organization, excluding an agency of the federal government by whatever name or designation, that provides services to individuals with mental illness, mental retardation or substance addiction or abuse including the detoxification, treatment or rehabilitation of drug addicts through the use of the controlled drug methadone or other opioid replacements or provides in-home support, crisis stabilization, or day support under the IFDDS Waiver. Such person, entity or organization shall include a hospital as defined in § 32.1-123 of the Code of Virginia, community services board as defined in § 37.1-194.1 of the Code of Virginia, behavioral health authority as defined in § 37.1-243 of the Code of Virginia, private provider, and any other similar or related person, entity or organization. It shall not include any individual practitioner who holds a license issued by a health regulatory board of the Department of Health Professions or who is exempt from licensing pursuant to §§ 54.1-2901, 54.1-3001, 54.1-3501, 54.1-3601 and 54.1-3701 of the Code of Virginia. It does not include any person providing uncompensated services to a family member.

"Psychosocial rehabilitation service" means care or treatment for individuals with long-term, severe psychiatric disabilities, which is designed to improve their quality of life by assisting them to assume responsibility over their lives and to function as actively and independently in society as possible, through the strengthening of individual skills and the development of environmental supports necessary to sustain community living. Psychosocial rehabilitation includes skills training, peer support, vocational rehabilitation, and community resource development oriented toward empowerment, recovery, and competency.

"Qualified Developmental Disabilities Professional (QDDP)" means an individual possessing at least one year of documented experience working directly with individuals who have developmental disabilities or related conditions and is one of the following: a doctor of medicine or osteopathy, a registered nurse, or an individual holding at least a bachelor's

Proposed Regulations

degree in a human service field including, but not limited to, sociology, social work, special education, rehabilitation counseling, or psychology.

"Qualified Mental Health Professional (QMHP)" means a clinician in the health professions who is trained and experienced in providing psychiatric or mental health services to individuals who have a psychiatric diagnosis; including a (i) physician: a doctor of medicine or osteopathy; (ii) psychiatrist: a doctor of medicine or osteopathy, specializing in psychiatry and licensed in Virginia; (iii) psychologist: an individual with a master's degree in psychology from a college or university with at least one year of clinical experience; (iv) social worker: an individual with at least a bachelor's degree in human services or related field (social work, psychology, psychiatric rehabilitation, sociology, counseling, vocational rehabilitation, human services counseling or other degree deemed equivalent to those described) from an accredited college and with at least one year of clinical experience providing direct services to persons with a diagnosis of mental illness; (v) Registered Psychiatric Rehabilitation Provider (RPRP) registered with the International Association of Psychosocial Rehabilitation Services (IAPSRs); (vi) registered nurse licensed in the Commonwealth of Virginia with at least one year of clinical experience; or (vii) any other licensed mental health professional.

"Qualified Mental Retardation Professional (QMRP)" means an individual possessing at least one year of documented experience working directly with individuals who have mental retardation or other developmental disabilities and is one of the following: a doctor of medicine or osteopathy, a registered nurse, or holds at least a bachelor's degree in a human services field including, but not limited to, sociology, social work, special education, rehabilitation counseling, and psychology.

"Qualified Paraprofessional in Mental Health (QPPMH)" means an individual who must, at a minimum, meet one of the following criteria: (i) registered with the International Association of Psychosocial Rehabilitation Services (IAPSRs) as an Associate Psychiatric Rehabilitation Provider (APRP); (ii) an Associate's Degree in a related field (social work, psychology, psychiatric rehabilitation, sociology, counseling, vocational rehabilitation, human services counseling) and at least one year of experience providing direct services to persons with a diagnosis of mental illness; or (iii) a minimum of 90 hours classroom training and 12 weeks of experience under the direct personal supervision of a QMHP providing services to persons with mental illness and at least one year of experience (including the 12 weeks of supervised experience).

"Referral" means the process of directing an applicant or an individual to a provider or service that is designed to provide the assistance needed.

"Residential crisis stabilization service" means providing short-term, intensive treatment to individuals who require multidisciplinary treatment in order to stabilize acute psychiatric symptoms and prevent admission to a psychiatric inpatient unit.

"Residential service" means a category of service providing 24-hour care in conjunction with care and treatment or a training program in a setting other than a hospital. Residential services provide a range of living arrangements from highly structured and intensively supervised to relatively independent requiring a modest amount of staff support and monitoring. Residential services include, but are not limited to: residential treatment, group homes, supervised living, residential crisis stabilization, community gero-psychiatric residential, community intermediate care facility-MR, sponsored residential homes, medical and social detoxification, and substance abuse residential treatment for women and children.

"Residential treatment service" means providing an intensive and highly structured mental health or substance abuse treatment service in a residential setting, other than an inpatient service.

"Respite care service" means providing for a short-term, time limited period of care of an individual for the purpose of providing relief to the individual's family, guardian, or regular care giver. Individuals providing respite care are recruited, trained, and supervised by a licensed provider. These services may be provided in a variety of settings including residential, day support, in-home, or in a sponsored residential home.

"Restraint" means the use of an approved mechanical device, physical intervention or hands-on hold, or pharmacologic agent to involuntarily prevent an individual receiving services from moving his body to engage in a behavior that places him or others at risk. This term includes restraints used for behavioral, medical, or protective purposes.

1. A restraint used for "behavioral" purposes means the use of an approved physical hold, a psychotropic medication, or a mechanical device that is used for the purpose of controlling behavior or involuntarily restricting the freedom of movement of the individual in an instance in which there is an imminent risk of an individual harming himself or others, including staff; when nonphysical interventions are not viable; and safety issues require an immediate response.
2. A restraint used for "medical" purposes means the use of an approved mechanical or physical hold to limit the mobility of the individual for medical, diagnostic, or surgical purposes and the related post-procedure care processes, when the use of such a device is not a standard practice for the individual's condition.
3. A restraint used for "protective" purposes means the use of a mechanical device to compensate for a physical deficit, when the individual does not have the option to remove the device. The device may limit an individual's movement and prevent possible harm to the individual (e.g., bed rail or gerichair) or it may create a passive barrier to protect the individual (e.g., helmet).
4. A "mechanical restraint" means the use of an approved mechanical device that involuntarily restricts the freedom of movement or voluntary functioning of a limb or a portion of a person's body as a means to control his physical activities,

and the individual receiving services does not have the ability to remove the device.

5. A "pharmacological restraint" means a drug that is given involuntarily for the emergency control of behavior when it is not standard treatment for the individual's medical or psychiatric condition.

6. A "physical restraint" (also referred to "manual hold") means the use of approved physical interventions or "hands-on" holds to prevent an individual from moving his body to engage in a behavior that places him or others at risk of physical harm. Physical restraint does not include the use of "hands-on" approaches that occur for extremely brief periods of time and never exceed more than a few seconds duration and are used for the following purposes: (i) to intervene in or redirect a potentially dangerous encounter in which the individual may voluntarily move away from the situation or hands-on approach or (ii) to quickly de-escalate a dangerous situation that could cause harm to the individual or others.

"*Restriction*" means anything that limits or prevents an individual from freely exercising his rights and privileges.

"*Screening*" means the preliminary assessment of an individual's appropriateness for admission or readmission to a service.

"*Seclusion*" means the involuntary placement of an individual receiving services alone, in a locked room or secured area from which he is physically prevented from leaving.

"*Serious injury*" means any injury resulting in bodily hurt, damage, harm or loss that requires medical attention by a licensed physician.

"*Service*" or "*services*" means individually planned interventions intended to reduce or ameliorate mental illness, mental retardation or substance addiction or abuse through care and treatment, training, habilitation or other supports that are delivered by a provider to individuals with mental illness, mental retardation, or substance addiction or abuse. *Service also means in-home support, day support, and crisis stabilization services provided to individuals under the IFDDS Waiver.*

"*Shall*" means an obligation to act is imposed.

"*Shall not*" means an obligation not to act is imposed.

"*Skills training*" means systematic skill building through curriculum-based psychoeducational and cognitive-behavioral interventions. These interventions break down complex objectives for role performance into simpler components, including basic cognitive skills such as attention, to facilitate learning and competency.

"*Social detoxification service*" means providing nonmedical supervised care for the natural process of withdrawal from excessive use of alcohol or other drugs.

"*Sponsored residential home*" means a service where providers arrange for, supervise and provide programmatic, financial, and service support to families or individuals (sponsors) providing care or treatment in their own homes.

"*State authority*" means the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services. This is the agency designated by the Governor to exercise the responsibility and authority for governing the treatment of opiate addiction with an opioid drug.

"*Substance abuse*" means the use, without compelling medical reason, of alcohol and other drugs which results in psychological or physiological dependency or danger to self or others as a function of continued use in such a manner as to induce mental, emotional or physical impairment and cause socially dysfunctional or socially disordering behavior.

"*Substance abuse residential treatment for women with children service*" means a 24-hour residential service providing an intensive and highly structured substance abuse service for women with children who live in the same facility.

"*Supervised living residential service*" means the provision of significant direct supervision and community support services to individuals living in apartments or other residential settings. These services differ from supportive in-home service because the provider assumes responsibility for management of the physical environment of the residence, and staff supervision and monitoring are daily and available on a 24-hour basis. Services are provided based on the needs of the individual in areas such as food preparation, housekeeping, medication administration, personal hygiene, and budgeting.

"*Supportive in-home service*" (formerly supportive residential) means the provision of community support services and other structured services to assist individuals. Services strengthen individual skills and provide environmental supports necessary to attain and sustain independent community residential living. They include, but are not limited to, drop-in or friendly-visitor support and counseling to more intensive support, monitoring, training, in-home support, respite care and family support services. Services are based on the needs of the individual and include training and assistance. These services normally do not involve overnight care by the provider; however, due to the flexible nature of these services, overnight care may be provided on an occasional basis.

"*Time out*" means assisting an individual to regain emotional control by removing the individual from his immediate environment to a different, open location until he is calm or the problem behavior has subsided.

"*Volunteer*" means a person who, without financial remuneration, provides services to individuals on behalf of the provider.

12 VAC 35-105-30. Licenses.

A. Licenses are issued to providers who offer services to one or a combination of the ~~three~~ *four* disability groups: persons with mental illness, persons with mental retardation, ~~and~~ persons with substance addiction or abuse problems, *and persons with developmental disabilities or related conditions served under the IFDDS Waiver.*

B. Providers shall be licensed to provide specific services as defined in this chapter or as determined by the commissioner. These services include:

Proposed Regulations

1. Case management;
2. Clubhouse;
3. Community gero-psychiatric residential;
4. Community intermediate care facility-MR;
5. Day support;
6. Day treatment;
7. Group home residential;
8. Inpatient psychiatric;
9. Intensive Community Treatment (ICT);
10. Intensive in-home;
11. Intensive outpatient;
12. Medical detoxification;
13. Mental health community support;
14. Opioid treatment;
15. Outpatient;
16. Partial hospitalization;
17. Program of assertive community treatment (PACT);
18. Psychosocial rehabilitation;
19. Residential crisis stabilization;
20. Residential treatment;
21. Respite;
22. Social detoxification;
23. Sponsored residential home;
24. Substance abuse residential treatment for women with children;
25. Supervised living; and
26. Supportive in-home.

C. A license addendum describes the services licensed, the population served, specific locations where services are provided or organized and the terms, and conditions for each service offered by a licensed provider. For residential and inpatient services, the license identifies the number of beds each location may serve.

12 VAC 35-105-280. Physical environment.

A. The physical environment shall be appropriate to the population served and the services provided *and be accessible to individuals with physical and sensory disabilities.*

B. The physical environment and furnishings shall be clean, dry, free of foul odors, safe, and well-maintained.

C. The physical environment, design, structure, furnishing, and lighting shall be appropriate to the population served and the services provided.

D. Floor surfaces and floor covering shall promote mobility in areas used by individuals and shall promote maintenance of sanitary conditions.

E. The physical environment shall be well ventilated. Temperatures shall be maintained between 65°F and 80°F.

F. Adequate hot and cold running water of a safe and appropriate temperature shall be available. Hot water accessible to individuals being served shall be maintained within a range of 100-120°F. If temperatures cannot be maintained within the specified range, the provider shall make provisions for protecting individuals from injury due to scalding.

G. Lighting shall be sufficient for the activities being performed and all areas within buildings and outside entrances and parking areas shall be lighted for safety.

H. Recycling, composting, and garbage disposal shall not create a nuisance, permit transmission of disease, or create a breeding place for insects or rodents.

I. If smoking is permitted, the provider shall make provisions for alternate smoking areas separate from the service environment. This regulation does not apply to home-based services.

J. For all program areas added after September 19, 2002, minimum room height shall be 7-1/2 feet.

K. This section does not apply to home and noncenter-based services. Sponsored residential services shall certify compliance of sponsored residential homes with this regulation.

12 VAC 35-105-590. Provider staffing plan.

A. The provider shall design and implement a staffing plan including the type and role of employees and contractors that reflects the:

1. Needs of the population served;
2. Types of services offered;
3. The service description; and
4. The number of people served.

B. The provider shall develop a transition staffing plan for new services, added locations, and changes in capacity.

C. The following staffing requirements relate to supervision.

1. The provider shall describe how employees, volunteers, contractors and student interns are to be supervised in the staffing plan.

2. Supervision of employees, volunteers, contractors and student interns shall be provided by persons who have experience in working with the population served and in providing the services outlined in the service description. In addition, supervision of mental health services shall be performed by a QMHP and supervision of mental retardation services shall be performed by a QMRP or an employee or contractor with experience equivalent to the educational requirement. *Supervision of IFDDS Waiver services shall be performed by a QDDP or an employee or*

contractor with experience equivalent to the educational requirement.

3. Supervision shall be appropriate to the services provided and the needs of the individual. Supervision shall be documented.

4. Supervision shall include responsibility for approving assessments and individualized services plans. This responsibility may be delegated to an employee or contractor who is a QMHP or, QMRP, or QDDP, or who has equivalent experience.

D. The provider shall employ or contract with persons with appropriate training, as necessary, to meet the specialized needs of and to ensure the safety of individuals being served in residential services with medical or nursing needs, speech, language or hearing problems or other needs where specialized training is necessary.

12 VAC 35-105-660. Individualized services plan (ISP).

A. The provider shall develop a preliminary individualized services plan for the first 30 days. The preliminary individualized services plan shall be developed and implemented within 24 hours of admission and shall continue in effect until the individualized services plan is developed or the individual is discharged, whichever comes first.

B. The provider shall develop an individualized services plan for each individual as soon as possible after admission but no later than 30 days after admission. Providers of short-term services must develop and implement a policy to develop individualized services plans within a time frame consistent with the expected length of stay of individuals. Services requiring longer term assessments may include the completion of those as part of the individualized services plan as long as all appropriate services are incorporated into the individualized services plan based on the assessment completed within 30 days of admission and the individualized services plan is updated upon the completion of assessment.

C. The individualized services plan shall address:

1. The individual's needs and preferences.
2. Relevant psychological, behavioral, medical, rehabilitation and nursing needs as indicated by the assessment;
3. Individualized strategies, including the intensity of services needed;
4. A communication plan for individuals with communication barriers, including language barriers; and
5. The behavior treatment plan, if applicable.

D. The provider shall comply with the human rights regulations in regard to participation in decision-making by the individual or legally authorized representative in developing or revising the individualized services plan.

E. The provider shall involve family members, guardian, or others, if appropriate, in developing, reviewing, or revising, at least annually, the individualized service plans consistent with laws protecting confidentiality, privacy, the human rights of

individuals receiving services (see 12 VAC 35-115-60) and the rights of minors.

F. Employees or contractors responsible for implementation of an individualized services plan shall demonstrate a working knowledge of the plan's goals, objectives and strategies.

G. The provider shall designate a person who will develop and implement individualized service plans.

H. The provider shall implement the individualized services plan and review it at least every three months or whenever there is a revised assessment. These reviews shall evaluate the individual's progress toward meeting the plan's objectives. The goals, objectives and strategies of the individualized services plan shall be updated, if indicated.

I. The individualized service plan shall be consistent with the CSP for individuals served by the IFDDS Waiver.

12 VAC 35-105-800. Policies and procedures on behavior management techniques.

A. The provider shall develop and implement written policies and procedures that describe the use of behavior management techniques, including, *but not limited to*, seclusion, restraint, and time out. The policies and procedures shall:

1. Be consistent with applicable federal and state laws and regulations;
2. Emphasize positive approaches to behavior management;
3. List and define behavior management techniques in the order of their relative degree of intrusiveness or restrictiveness and the conditions under which they may be used in each service for each individual;
4. Protect the safety and well-being of the individual at all times, including during fire and other emergencies;
5. Specify the mechanism for monitoring the use of behavior management techniques; and
6. Specify the methods for documenting the use of behavior management techniques.

B. The behavior management policies and procedures shall be developed, implemented, and monitored by employees or contractors trained in behavior management programming.

C. Policies and procedures related to behavior management shall be available to individuals, their families, guardians and advocates except that it does not apply to services provided in correctional facilities.

D. Individuals receiving services shall not discipline, restrain, seclude or implement behavior management techniques on other individuals receiving services.

E. Injuries resulting from or occurring during the implementation of behavior management techniques shall be recorded in the clinical record and reported to the employee or contractor responsible for the overall coordination of services.

VA.R. Doc. No. R02-322; Filed March 3, 2003, 1 p.m.

Proposed Regulations

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Bureau of Insurance

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 14 VAC 5-270. Rules Governing Annual Audited Financial Reports (amending 14 VAC 5-270-40 and 14 VAC 5-270-80).

Statutory Authority: §§ 12.1-13 and 38.2-223 of the Code of Virginia.

Public Hearing Date: Hearing will be scheduled if requested.
Public comments may be submitted until May 23, 2003.

Agency Contact: Jarrett D. Goodwin, Principal Insurance Analyst, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9365, FAX (804) 371-9511, toll free (800) 552-7945 or e-mail jgoodwin@scc.state.va.us.

Summary:

The proposed revisions prohibit the use of indemnification clauses by certified public accountants (CPAs) who perform audits of statutory financial statements, while allowing provisions requiring disputes to be resolved by mediation or arbitration. The proposed revisions reinforce the independence of the certified public accountant and the ability of regulators to place reliance on the accountant's work. The proposed revisions also remove the basis for disparate treatment by audit firms that include indemnification clauses in their engagement letters for mutual insurers and not in their engagement letters for public insurers that are required to register with the Securities and Exchange Commission. The proposed revisions track provisions of the Model Regulation Requiring Annual Audited Financial Reports, adopted by the National Association of Insurance Commissioners in March 2002.

14 VAC 5-270-40 is amended to include a definition for "indemnification" that encompasses all agreements of indemnity or release from liability that shift or intend to shift liability for failure to adhere to applicable auditing or financial standards from the independent certified public accountant to the insurer. 14 VAC 5-270-80, addressing qualifications of accountants, is amended to prohibit the use of these indemnification agreements. A related amendment allows a provision requiring disputes to be resolved by mediation or arbitration, provided that in the event of a delinquency proceeding commenced against the insurer,

the mediation or arbitration provision shall operate at the option of the statutory successor. The proposed effective date is July 1, 2003.

AT RICHMOND, FEBRUARY 28, 2003

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS-2003-00037

Ex Parte: In the matter of
Adopting Revisions to the Rules
Governing Annual Audited
Financial Reports

ORDER TO TAKE NOTICE

Section 12.1-13 of the Code of Virginia provides that the Commission shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction, and § 38.2-223 of the Code of Virginia provides that the Commission may issue any rules and regulations necessary or appropriate for the administration and enforcement of Title 38.2 of the Code of Virginia.

The rules and regulations issued by the Commission pursuant to § 38.2-223 of the Code of Virginia are set forth in Title 14 of the Virginia Administrative Code.

The Bureau of Insurance (the "Bureau") has submitted to the Commission proposed revisions to Chapter 270 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Annual Audited Financial Reports," which amend the rules at 14 VAC 5-270-40 and 14 VAC 5-270-80.

The revisions proposed for 14 VAC 5-270-40 add a definition for "indemnification." The revisions proposed for 14 VAC 5-270-80, concerning the qualifications of accountants, prohibit indemnification, but allow certain mediation and arbitration agreements.

The Commission is of the opinion that the proposed revisions submitted by the Bureau should be considered for adoption with an effective date of July 1, 2003.

IT IS THEREFORE ORDERED THAT:

(1) The proposed revisions to the "Rules Governing Annual Audited Financial Reports," which amend the rules at 14 VAC 5-270-40 and 14 VAC 5-270-80, be attached hereto and made a part hereof.

(2) All interested persons who desire to comment in support of or in opposition to, or to request a hearing to oppose the adoption of, the proposed revisions shall file such comments or hearing request on or before May 23, 2003, in writing with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218 and shall refer to Case No. INS-2003-00037.

(3) If no written request for a hearing on the proposed revisions is filed on or before May 23, 2003, the Commission, upon consideration of any comments submitted in support of or in

opposition to the proposed revisions, may adopt the revisions proposed by the Bureau of Insurance.

(4) AN ATTESTED COPY hereof, together with a copy of the proposed revisions, shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Douglas C. Stolte, who forthwith shall give further notice of the proposed adoption of the revisions to the rules by mailing a copy of this Order, together with the attached proposed revisions, to all insurers, burial societies, fraternal benefit societies, health services plans, health maintenance organizations, legal services plans, and dental or optometric services plans licensed by the Commission.

(5) The Commission's Division of Information Resources forthwith shall cause a copy of this Order, together with the attached proposed revisions, to be forwarded to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations.

(6) On or before March 7, 2003, the Commission's Division of Information Resources shall make available this Order and the attached proposed revisions on the Commission's website, <http://www.state.va.us/scc/caseinfo/orders.htm>.

(7) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (4) above.

14 VAC 5-270-40. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Accountant" and "independent Certified Public Accountant" mean an independent, certified public accountant or accounting firm in good standing with the American Institute of Certified Public Accountants ("AICPA") and in all states in which such accountant or firm is licensed to practice; for Canadian and British companies, they mean a Canadian-chartered or British-chartered accountant.

"Audited Financial Report" means and includes those items specified in 14 VAC 5-270-60.

"Commission" means the State Corporation Commission when acting pursuant to or in accordance with Title 38.2 of the Code of Virginia.

"Due date" means (i) June 1 for all domestic insurers, ~~and~~; (ii) June 30 for all foreign or alien companies domiciled or entered through a state in which similar law, regulation or administrative practice provides for a June 30 filing date, ~~or~~; ~~and~~ (iii); for all other insurers, the earlier of June 30 or the date established by the insurer's state of domicile or entry for filing similar audited financial reports.

"Indemnification" means an agreement of indemnity or a release from liability where the intent or effect is to shift or limit in any manner the potential liability of the person or firm for failure to adhere to applicable auditing or professional standards, whether or not resulting in part from knowing or other misrepresentations made by the insurer or its representatives.

"Workpapers" means the records kept by the accountant of the procedures followed, the tests performed, the information obtained, and the conclusions reached pertinent to the accountant's examination of the financial statements of an insurer. Workpapers, accordingly, may include work programs, analyses, memoranda, letters of confirmation and representation, abstracts of company documents, and schedules or commentaries prepared or obtained by the accountant in the course of the examination of the financial statements of an insurer and which support the accountant's opinion thereof.

14 VAC 5-270-80. Qualifications of accountant.

A. The commission shall not recognize ~~any~~ a person or firm as a qualified accountant *if that person or firm:*

1. Is not in good standing with the AICPA and in all states in which the accountant is licensed to practice, or, for a Canadian or British company, that is not a chartered accountant; or

2. *Has either directly or indirectly entered into an agreement of indemnity or release from liability, collectively referred to as indemnification, with respect to the audit of the insurer.*

B. Except as otherwise provided ~~herein in this chapter~~, the commission shall recognize an independent Certified Public Accountant ~~shall be recognized~~ as qualified as long as he or she conforms to the standards of his or her profession, as contained in the Code of Professional Conduct of the AICPA and the Rules and Regulations, including the Standards of Practice, of the Virginia Board of Accountancy or similar code.

C. *A qualified independent Certified Public Accountant may enter into an agreement with an insurer to have disputes relating to an audit resolved by mediation or arbitration. However, in the event of a delinquency proceeding commenced against the insurer under Chapter 15 (§ 38.2-1500 et seq.) of Title 38.2 of the Code of Virginia, the mediation or arbitration provisions shall operate at the option of the statutory successor.*

D. No partner or other person responsible for rendering a report may act in that capacity for more than seven consecutive years. Following any period of service, such person shall be disqualified from acting in that or a similar capacity for the same company or its insurance subsidiaries or affiliates for a period of two years. An insurer may make application to the commission for relief from the above rotation requirement on the basis of unusual circumstances. The commission may consider the following factors in determining if the relief should be granted:

1. Number of partners, expertise of the partners or the number of insurance clients in the currently registered firm;
2. Premium volume of the insurer; or
3. Number of jurisdictions in which the insurer transacts business.

~~D.~~ E. The commission shall not recognize as a qualified accountant, nor accept any annual Audited Financial Report prepared in whole or in part by, any person who:

Proposed Regulations

1. Has been convicted of fraud, bribery, a violation of the Racketeer Influenced and Corrupt Organizations Act (18 USC §§ 1961-1968) or any dishonest conduct or practices under federal or state law;

2. Has violated the insurance laws of this Commonwealth with respect to any previous reports submitted under this chapter; or

3. Has demonstrated a pattern or practice of failing to detect or disclose material information in previous reports filed under the provisions of this chapter.

E. F. The commission may (i) make a determination as to whether an accountant is qualified and may, based upon the facts considered, determine that such accountant is not qualified for purposes of expressing an opinion on the financial statements in the annual Audited Financial Report made pursuant to this chapter and (ii) require the insurer to replace such accountant with another whose relationship with the insurer is qualified within the meaning of this chapter.

VA.R. Doc. No. R03-136; Filed March 4, 2003; 3:52 p.m.

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 20 VAC 5-312. Rules Governing Retail Access to Competitive Energy Services (amending 20 VAC 5-312-120).

Statutory Authority: § 12.1-13 and 56-581.1 of the Code of Virginia.

Public Hearing Date: Hearing will be scheduled if requested. Public comments may be submitted until April 16, 2003.

Agency Contact: W. Timothy Lough, Special Projects Engineer, Division of Energy Regulation, State Corporation Commission, P.O. Box 1197, Richmond, Virginia 23218, telephone (804) 371-9590, FAX (804) 371-9350, toll-free (800) 552-7945 or e-mail tlough@scc.state.va.us.

Summary:

The proposed amendments are intended to ensure the availability of financial ownership of electricity meters to enhance the development of a competitive electricity market in Virginia. The proposed rules require the local distribution company to provide the choice of meter ownership to large industrial and large commercial customers. The rules address meter criteria, local distribution company

responsibilities, meter access, and how the local distribution company shall respond to requests for meter ownership.

On or before April 16, 2003, interested parties may file comments in response to the proposed rules with the Clerk of the Commission in Case No. PUE-2001-00298, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218.

AT RICHMOND, MARCH 3, 2003

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUE-2001-00298

Ex Parte: In the matter of establishing rules and regulations pursuant to the Virginia Electric Utility Restructuring Act for competitive metering services

ORDER INVITING COMMENTS

On February 25, 2003, the Staff of the State Corporation Commission ("Staff") filed with the State Corporation Commission a report presenting proposed rules for competitive electricity metering pursuant to § 56-581.1 of the Code of Virginia, and the Commission's Order of December 10, 2002, in this docket. The proposed rules address the implementation of financial ownership of electricity meters for large commercial and large industrial customers. The Commission finds that interested parties to this proceeding shall have the opportunity to file comments and request a hearing on the Staff's Report and the proposed rules.

Accordingly, IT IS ORDERED THAT:

(1) On or before April 16, 2003, interested persons may file with the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, an original and fifteen copies of comments on the February 25, 2003, Staff Report and proposed rules. All filings shall reference Case No. PUE-2001-00298, and a copy shall be served on all interested persons appearing on the official Service List.

(2) Any request for hearing on the Proposed Rules shall state in detail why a hearing is necessary. Such a request should identify the factual issues likely in dispute upon which the party seeks hearing, together with the evidence expected to be introduced at any hearing. If no request for hearing is received, the Commission may enter an order promulgating rules upon the basis of the written pleadings filed.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to all persons on the official Service List in this matter and to the Commission's Office of General Counsel and Divisions of Energy Regulation and Economics and Finance. The Service List is available from the Clerk of the State Corporation Commission, c/o Document Control Center, 1300 East Main Street, First Floor, Tyler Building, Richmond, Virginia 23219.

20 VAC 5-312-120. Electricity metering.

A. If the local distribution company provides interval metering as a customer's basic metering service in accordance with its applicable tariff, interval metering of that customer's load shall continue to be required if the customer purchases electricity supply service from a competitive service provider. Unless other arrangements are agreed upon between the local distribution company and the customer, the local distribution company may remove the interval meter if the customer's load deteriorates below previously established interval metering thresholds.

B. Upon a customer's request, the local distribution company shall provide interval metering service to the customer at the net incremental cost above the basic metering service provided by the local distribution company. The local distribution company shall reply to the customer in writing within five business days of the request for interval metering service, acknowledging receipt of the request, explaining the process, and identifying the prerequisites for commencing and completing the work. Once the customer has completed the applicable prerequisites, the local distribution company shall complete the work within 45 calendar days, or as promptly as working conditions permit.

C. The local distribution company shall offer each of the following interval metering service options to customers or their authorized competitive service provider to access unedited interval data from the local distribution company's interval metering equipment and consistent with the local distribution company's communication protocol: (i) read-only electronic access to the interval billing meter, (ii) receipt of a stream of data pulses proportional to energy usage, and (iii) both of the foregoing.

D. As a component of interval metering service, the local distribution company shall read interval meters at a frequency in accordance with its applicable terms and conditions and shall store interval meter data at intervals compatible with wholesale load settlement requirements. Interval meter data may be estimated on occasion as necessary. The local distribution company shall make available to customers or their authorized competitive service provider 12 months of historical edited interval data through electronic communication medium unless otherwise requested by mail, as mutually agreed.

E. The local distribution company shall respond to requests from customers or their authorized competitive service provider to evaluate special metering functionality that may not be provided normally under the local distribution company's tariff but that is determined by the local distribution company to be within the capability of its interval metering equipment. The local distribution company shall acknowledge receipt of the requests in writing within five business days, indicating that the net incremental cost, prerequisites and process for providing the special metering functionality will be submitted in writing within 30 days. Once the customer has completed the applicable prerequisites, the local distribution company shall provide the special metering functionality within 45 calendar days, or as promptly as working conditions permit.

F. The local distribution company shall install and maintain meters owned by large industrial customers and large commercial customers if the meter is determined to be consistent with the local distribution company's billing and metering systems and communication protocol. Ownership shall apply to the meter as defined by a line of demarcation specified in the local distribution company tariff approved by the State Corporation Commission.

G. Upon a customer's request to own a meter in accordance with subsection F of this section, the local distribution company shall reply to the customer in writing within 10 days of the request, acknowledging receipt of the request, explaining the process, and identifying the prerequisites for commencing and completing the work. The local distribution company shall also explain its policies with respect to replacement of defective meters. Once the customer has completed the applicable prerequisites, the local distribution company shall complete the work within 45 days, or as promptly as working conditions permit.

H. Upon the installation of a meter owned by a customer in accordance with subsections F and G of this section, the local distribution company shall continue to have full access to the meter and shall continue to perform its normal obligations including but not limited to testing, replacement, customer accounting, reading and data management. In accordance with subsection C of this section, the local distribution company shall provide customers or their authorized competitive service provider with read-only electronic access to the meter.

VA.R. Doc. No. R03-137; Filed March 4, 2003; 3:51 p.m.

FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a change from the proposed text of the regulation.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

REGISTRAR'S NOTICE: The following regulations filed by the Marine Resources Commission are exempt from the Administrative Process Act in accordance with § 2.2-4006 A 12 of the Code of Virginia; however, the commission is required to publish the full of final regulations.

Title of Regulation: 4 VAC 20-252. **Pertaining to the Taking of Striped Bass (amending 4 VAC 20-252-130 and 4 VAC 20-252-150).**

Statutory Authority: §§ 28.2-201 and 28.2-204.1 of the Code of Virginia.

Effective Date: March 1, 2003.

Summary:

The amendments (i) change the eligibility requirements that are used to determine which commercially registered fishermen shall receive a coastal area striped bass quota; (ii) modify the number of tags from 247 to 236 that Chesapeake area fishermen need to forfeit to gain a share of coastal area tags; (iii) describe the criteria that will be used should the coastal area harvest quota be insufficient to provide permits to those commercial fishermen who qualify; and (iv) change the quota in the coastal area from 129,397 to 184,853 pounds.

Agency Contact: Deborah Cawthon, Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002, or e-mail dcawthon@mrcc.state.va.us.

4 VAC 20-252-130. Entry limits, permits, and reports.

A. There is established a special permit for engaging in either the Chesapeake area commercial fishery for striped bass or the coastal area commercial fishery for striped bass, and it shall be unlawful for any person to engage in either commercial fishery for striped bass without first having obtained the permit from the commission and meeting the following conditions:

1. The person shall be a licensed registered commercial fisherman.
2. The person shall have reported all prior fishing activity in accordance with 4 VAC 20-610 and shall not be under any sanction by the Marine Resources Commission for noncompliance with the regulation.

B. Permits for the commercial harvest of striped bass in the Chesapeake area shall be issued to any registered commercial fishermen holding striped bass quota shares issued under the provisions of 4 VAC 20-252-160, except as provided by subsection C of this section.

C. Initially, permits for the 2003 commercial harvest of striped bass in the coastal area shall be issued as described in subdivisions 1 and 2 of this subsection.

1. Permits for the coastal area striped bass commercial fishery shall be limited to any registered commercial fishermen who landed a total of at least 1,000 pounds of striped bass from the coastal area in ~~two years~~ *one year or more* from 1993 through 1997 and harvested striped bass from the coastal area in either 2001 or 2002 as documented by the commission's mandatory reporting database, and ~~chooses who choose~~ *to surrender 247* 236 tags of his Chesapeake area striped bass harvest quota. *Should the coastal area harvest quota described in 4 VAC 20-150 B be insufficient to provide permits for all those who qualify according to the requirements in this subdivision, permits shall be granted first on the basis of the total number of years a fisherman landed striped bass from 1993 through 1997, and secondarily on the total number of pounds landed by a fisherman from 1993 through 1997.*

2. If shares of coastal area quota remain, following the initial permitting process in 2003, as described in subdivision 1 of this subsection, subsequent permits issued for the 2003 coastal area commercial striped bass fishery shall *first* be limited, sequentially, to those fishermen who landed the most striped bass beyond a minimum total landings amount of 1,000 pounds from the coastal area during the most number of years from 1993 through 1997 and landed striped bass from the coastal area in either 2001 or 2002 as documented by the commission's mandatory reporting database, and ~~chooses who choose~~ *to surrender 247* 236 tags of ~~his~~ *their* Chesapeake area striped bass harvest quota. *Secondarily, permits issued for the 2003 coastal area commercial striped bass fishery shall be limited, sequentially, to those fishermen who landed the most striped bass, beyond a minimum total landings amount of 1,000 pounds, from the coastal area during the most number of years from 1993 through 1997 as documented by the commission's mandatory reporting database, and who choose to surrender 236 tags of their Chesapeake area striped bass harvest quota.*

3. *Permittees for the 2003 commercial harvest of striped bass in the coastal area shall receive an equal share of the coastal area quota of tags.*

D. It shall be unlawful for any person to purchase striped bass taken from Virginia's tidal waters for the purpose of resale without first obtaining a permit from the commission.

Final Regulations

E. Permits must be in the possession of the permittee while harvesting, selling or possessing striped bass. Failure to have the appropriate permit in possession shall be a violation of this chapter.

F. All commercial harvesters of striped bass shall report to the commission in accordance with 4 VAC 20-610.

G. All buyers of striped bass taken from Virginia's tidal waters shall provide written reports of daily purchases and sales for each commercial fishing season to the commission no later than 15 days following the last day of each commercial fishing season.

H. Failure of any person permitted to harvest, buy, or sell striped bass, to submit the required written report for any fishing day shall constitute a violation of this chapter.

4 VAC 20-252-150. Commercial harvest quota; conversion to striped bass tags.

A. The commercial harvest quota for the Chesapeake area shall be determined annually by the Marine Resources Commission. The total allowable level of all commercial harvest of striped bass from the Chesapeake Bay and its tributaries and the Potomac River tributaries of Virginia for all open seasons and for all legal gear shall be 1,701,748 pounds of whole fish. At such time as the total commercial harvest of striped bass from the Chesapeake area is projected to reach 1,701,748 pounds, and announced as such, it shall be unlawful for any person to land or possess striped bass caught for commercial purposes from the Chesapeake area.

B. The commercial harvest quota for the coastal area of Virginia shall be determined annually by the Marine Resources Commission. The total allowable level of all commercial harvest of striped bass from the coastal area for all open seasons and for all legal gear shall be ~~429,397~~ 184,853 pounds of whole fish. At such time as the total commercial harvest of striped bass from the coastal area is projected to reach ~~429,397~~ 184,853 pounds, and announced as such, it shall be unlawful for any person to land or possess striped bass caught for commercial purposes from the coastal area.

C. For the purposes of assigning individual shares for commercial harvests in the Chesapeake area, as described in 4 VAC 20-252-160, the commercial harvest quota of striped bass in pounds shall be converted to a quota in numbers of fish based on the estimate of the average weight of striped bass harvested during the previous fishing year. One striped bass tag shall be provided for each striped bass in the total quota to arrive at the commercial harvest quota of tags.

D. For the purposes of assigning individual shares, for commercial harvests in the coastal area of Virginia as described in 4 VAC 20-252-160, the commercial harvest quota of striped bass in pounds shall be converted to a quota in numbers of fish based on the estimate of the average weight of striped bass harvested during the previous fishing year. One striped bass tag shall be provided for each striped bass in the total quota, to arrive at the commercial harvest quota of tags.

VA.R. Doc. No. R03-131; Filed February 28, 2003, 4:02 p.m.

Title of Regulation: 4 VAC 20-380. **Pertaining to Grey Trout (Weakfish) (amending 4 VAC 20-380-10, 4 VAC 20-380-30, 4 VAC 20-380-50 and 4 VAC 20-380-60).**

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: March 1, 2003.

Summary:

The amendments (i) provide a landing tolerance of 300 grey trout for trawl vessels; (ii) change the closed seasons on grey trout harvested by gill net to May 14 through October 20 and December 31 through March 15; and (iii) change the allowance and requirements associated with by-catch of grey trout during closed seasons for gill net, haul seine, pound net or trawl fisheries.

Agency Contact: Deborah Cawthon, Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002, or e-mail dcawthon@mrc.state.va.us.

4 VAC 20-380-10. Purpose.

The purpose of this chapter is to ~~reduce the~~ *maintain the target fishing mortality rate for grey trout fishing mortality rate to 0.5, then maintain the fishing mortality rate of 0.5, in order to reduce the probability of recruitment failure and allow for a rebuilding of the spawning stock maintain a sustainable grey trout population.* This chapter is designed to be consistent with federal and interstate management measures.

4 VAC 20-380-30. Commercial minimum size limits.

A. For any person fishing with pound net or haul seine, there shall be no minimum size limit on grey trout.

B. It shall be unlawful for any person fishing with gill nets to possess any grey trout less than 12 inches in length.

C. It shall be unlawful for any trawl boat to land any grey trout in Virginia that are less than 12 inches in length, *except that up to 300 grey trout less than 12 inches in length may be landed by trawl but shall not be sold.*

D. It shall be unlawful for any person fishing with commercial hook and line to possess any grey trout less than 12 inches in length.

E. It shall be unlawful for any person using any gear type not specified in subsection A, B, C or D of this section to possess any grey trout less than nine inches in length.

F. During a closed season it shall be unlawful for any person using any gear type which is regulated by a closed season to possess any grey trout less than 12 inches in length.

G. Length is measured in a straight line from the tip of the nose to the tip of the tail.

4 VAC 20-380-50. Commercial fishing season.

A. The closed season on grey trout harvested by pound net shall be May 1 through May 22, and September 13 through March 31 except as provided in subdivision 1 of this subsection.

Final Regulations

1. Any pound net fisherman who holds 2 or 3 pound net licenses in accordance with the provisions of 4 VAC 20-600-10 et seq. may forfeit only one of those licenses to be exempt from the closed seasons as established in this subsection. Any pound net fisherman who holds 4, 5, or 6 pound net licenses in accordance with the provisions of 4 VAC 20-600-10 et seq. may forfeit only two of those licenses to be exempt from the closed seasons as established in this subsection. Any pound net fisherman who holds 7, 8, or 9 pound net licenses in accordance with the provisions of 4 VAC 20-600-10 et seq. may forfeit only three of those licenses to be exempt from the closed seasons as established in this subsection. Forfeiture of any license shall be through March 31, of each fishing season, and shall occur prior to May 1 of each fishing season.

2. Any pound net licensee who forfeits a license pursuant to subdivision 1 of this subsection shall retain his priority rights to such locations for future licensing until April 1 of the following fishing season. Any pound net fisherman who forfeits one or more pound net licenses may reclaim such licenses during the period of March 15 of the current fishing season through April 1 of the following fishing season, but shall not set or fish any pound nets provided for by such licenses prior to April 1.

3. Those pound net licensees who hold multiple gear licenses and satisfy the requirement of subdivision 1 of this subsection may transfer an unused license to a licensee who holds a single pound net license.

B. The closed seasons on grey trout harvested by gill net shall be May 14 through October 7 20, and December 48 31 through March 34 15.

C. The closed seasons on grey trout harvested by haul seine shall be April 1 through April 15; June 11 through August 20; and September 25 through March 31.

D. The closed season on landing grey trout harvested by trawl shall be September 26 through March 31.

E. During any closed season described in subsections A, B, C, and D of this section, the boat or vessel possession limit for grey trout *taken as by-catch in other directed fisheries* shall be the lesser of 450 900 pounds or an amount equal to the number of registered commercial fishermen or seafood landing licensees on board multiplied by 450 300 pounds, ~~except that~~. Only one license per person, either the commercial fisherman's registration license or seafood landing license, shall be used to calculate the boat or vessel possession limit. *Further, during any closed season described in subsections A, B, C and D of this section, it shall be unlawful for any person to do any of the following:*

~~The possession of quantities of grey trout in excess of these limits, or the possession of any grey trout less than 12 inches in total length, shall be a violation of this chapter. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit.~~ 1. Possess grey trout less than 12 inches in total length.

2. Possess aboard any vessel or land any quantity of grey trout that is more than the total weight of species other than grey trout on board the vessel.

4 VAC 20-380-60. Recreational fishing seasons, minimum size limits, and possession limits.

A. It shall be unlawful for any person fishing with hook and line, rod and reel or hand line to possess more than ~~four~~ seven grey trout ~~from May 1 through August 15~~, and the minimum size limit ~~during this fishing season~~ shall be 12 inches in length.

~~B. It shall be unlawful for any person fishing with recreational hook and line, rod and reel or hand line to possess more than 14 grey trout from August 16 through April 30, and the minimum size limit during this fishing season shall be 14 inches in length.~~

~~G. B.~~ When fishing from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by the designated possession limits established in subsections A and B of this section. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any grey trout taken after the possession limit has been reached shall be returned to the water immediately.

VA.R. Doc. No. R03-132; Filed February 28, 2003, 4:01 p.m.

* * * * *

Title of Regulation: **4 VAC 20-620. Pertaining to Summer Flounder (amending 4 VAC 20-620-50 and 4 VAC 20-620-70).**

Statutory Authority: §§ 28.2-201 and 28.2-204 of the Code of Virginia.

Effective Date: March 1, 2003.

Summary:

The amendments (i) establish an exception to the 17-1/2-inch size limit on Summer Flounder in Virginia waters by reducing the size limit in the Potomac River tributaries to 17 inches total length and (ii) provide that the Potomac River tributaries recreational fishing season be open year-round.

Agency Contact: Deborah Cawthon, Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002, or e-mail dcawthon@mrc.state.va.us.

4 VAC 20-620-50. Minimum size limits.

A. The minimum size for Summer Flounder harvested by commercial fishing gear shall be 14 inches, total length.

B. The minimum size of Summer Flounder harvested by recreational fishing gear, including but not limited to hook and line, rod and reel, spear and gig, shall be 17-1/2 inches, total length, *except that the minimum size of Summer Flounder harvested in the Potomac River tributaries shall be 17 inches total length.*

C. Length shall be measured in a straight line from tip of nose to tip of tail.

Final Regulations

D. It shall be unlawful for any person to possess any Summer Flounder smaller than the designated minimum size limit.

E. Nothing in this chapter shall prohibit the landing of Summer Flounder in Virginia which were legally harvested in the Potomac River.

4 VAC 20-620-70. Recreational fishing season.

A. The recreational fishing season for the Chesapeake Bay and its tributaries shall be closed from January 1 through March 28.

B. The recreational fishing season for the Potomac River tributaries shall be open year-round.

~~B. C.~~ It shall be unlawful for any person fishing recreationally to take, catch, or possess any Summer Flounder during any closed recreational fishing season.

~~C. D.~~ Nothing in this chapter shall prohibit the landing of Summer Flounder in Virginia that were legally harvested in the Potomac River.

VA.R. Doc. No. R03-133; Filed February 28, 2003, 4:01 p.m.

* * * * *

Title of Regulation: **4 VAC 20-910. Pertaining to Scup (Porgy) (amending 4 VAC 20-910-45).**

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: March 1, 2003.

Summary:

The amendment limits the commercial harvest and landing of scup to 15,000 pounds of scup during each consecutive seven-day period beginning February 1. After the initial 85% of the coastwide quota has been harvested, it shall be illegal for more than 1,000 pounds of scup to be harvested or possessed aboard any vessel landed in Virginia.

Agency Contact: Deborah Cawthon, Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002, or e-mail dcawthon@mrc.state.va.us.

4 VAC 20-910-45. Possession limits and harvest quotas.

A. During the period January 1 through April 30 of each year, it shall be unlawful for any person to ~~possess aboard any vessel or to land in Virginia more than 10,000 pounds of scup; except when it is projected and announced that 85% of the coastwide quota for this period has been landed, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 1,000 pounds of scup.~~ do any of the following:

1. Possess aboard any vessel in Virginia more than 15,000 pounds of scup.

2. Land in Virginia more than a total of 15,000 pounds of scup during each consecutive seven-day landing period, with the first seven-day period beginning on February 1.

B. When it is projected and announced that 85% of the coastwide quota for this period has been attained, it shall be unlawful for any person to do any of the following:

1. Possess aboard any vessel in Virginia more than a total of 1,000 pounds of scup.

2. Land in Virginia more than a total of 1,000 pounds of scup during each seven-day landing period, with the first seven-day landing period beginning upon the announcement that 85% of the coastwide quota has been projected to be attained.

~~B. C.~~ During the period November 1 through December 31 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than 2,000 pounds of scup; except when it is announced that 70% of the coastwide quota for this period has been taken, it shall be unlawful for any person to possess aboard any vessel or land in Virginia more than 500 pounds of scup, until such time that the coastwide quota for this period has been reached.

~~C. D.~~ During the period May 1 through October 31 of each year, the commercial harvest and landing of scup in Virginia shall be limited to 4,987 pounds.

~~D. E.~~ For each of the time periods set forth in this section, the Marine Resources Commission will give timely notice to the industry of calculated poundage possession limits and quotas and any adjustments thereto. It shall be unlawful for any person to possess or to land any scup for commercial purposes after any winter period coastwide quota or summer period Virginia quota has been attained and announced as such.

~~E. F.~~ It shall be unlawful for any buyer of seafood to receive any scup after any commercial harvest or landing quota has been attained and announced as such.

~~F. G.~~ It shall be unlawful for any person fishing with hook and line, rod and reel, spear, gig or other recreational gear to possess more than 50 scup. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by 50. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any scup taken after the possession limit has been reached shall be returned to the water immediately.

VA.R. Doc. No. R03-134; Filed February 28, 2003, 4:01 p.m.

* * * * *

Title of Regulation: **4 VAC 20-950. Pertaining to Black Sea Bass (amending 4 VAC 20-950-30 and 4 VAC 20-950-45).**

Statutory Authority: §§ 28.2-201 and 28.2-204.1 of the Code of Virginia.

Effective Date: March 1, 2003.

Summary:

The amendments (i) increase the recreational minimum size limit from 11-1/2 inches to 12 inches (total length) and (ii) establish closed recreational fishing seasons from

September 2 through September 15 and from December 1 through December 31.

Agency Contact: Deborah Cawthon, Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002, or e-mail dcawthon@mrc.state.va.us.

4 VAC 20-950-30. Minimum size limit.

A. The minimum size for black sea bass harvested by commercial fishing gear shall be 11 inches, total length.

B. The minimum size of black sea bass harvested by recreational gear, including but not limited to hook and line, rod and reel, spear and gig, shall be ~~11-1/2~~ 12 inches, total length.

C. It shall be unlawful for any person to possess any black sea bass smaller than the minimum size limit, as designated respectively, in subsections A and B of this section.

D. It shall be unlawful for any person to sell, trade, or barter, or offer to sell, trade, or barter any black sea bass less than 11 inches, total length.

E. Total length shall be measured along the lateral midline from tip of nose to tip of tail excluding the caudal fin filament.

4 VAC 20-950-45. Recreational possession limits and seasons.

A. It shall be unlawful for any person fishing with hook and line, rod and reel, spear, gig or other recreational gear to possess more than 25 black sea bass. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for that boat or vessel and shall be equal to the number of persons on board legally eligible to fish, multiplied by 25. The captain or operator of the boat or vessel shall be responsible for that boat or vessel possession limit. Any black sea bass taken after the possession limit has been reached shall be returned to the water immediately.

B. Possession of any quantity of black sea bass that exceeds the possession limit described in subsection A of this section shall be presumed to be for commercial purposes.

C. The open recreational fishing season shall be from January 1 through September 1 and from September 16 through November 30 of each year.

D. It shall be unlawful to possess black sea bass in Virginia for recreational purposes from September 2 through September 15 and from December 1 through December 31 of each year.

VA.R. Doc. No. R03-135; Filed February 28, 2003, 4:01 p.m.

◆ ————— ◆

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Title of Regulation: **9 VAC 25-70. Regulation No. 5 -- Control of Pollution from Boats (REPEALING).**

Title of Regulation: **9 VAC 25-71. Regulations Governing the Discharge of Sewage and Other Wastes from Boats (adding 9 VAC 25-71-10 through 9 VAC 25-71-70).**

Title of Regulation: **9 VAC 25-730. Smith Mountain Lake No-Discharge Zone (REPEALING).**

Statutory Authority: § 62.1-44.33 of the Code of Virginia.

Effective Date: April 23, 2003.

Summary of Public Comment and Agency Response: No public comment was received by the promulgating agency.

Agency Contact: Michael B. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065, FAX (804) 698-4032 or e-mail mbgregory@deq.state.va.us.

Summary:

The regulation addresses discharges of sewage and other wastes from boats and prohibits all discharges of sewage from boats, whether treated or not, into state waters designated as no discharge zones. The regulatory action repeals 9 VAC 25-70 and 9 VAC 25-730, which have limited enforcement capabilities, and replaces them with one regulation that applies to all state waters. The changes add language in the water quality control regulations to clarify that (i) boat waste regulations apply to all state waters; (ii) in addition to sewage, the discharge of other wastes from all vessels into the state waters is prohibited; and (iii) vessels without installed toilets must not discharge sewage into the state waters and waste from containment devices must be pumped out at pump out facilities or carried ashore for treatment.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 18:25 VA.R. 3425-3428 August 26, 2002, without change. Therefore, pursuant to § 2.2-4031 of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R01-220; Filed March 5, 2003, 8:55 a.m.

* * * * *

REGISTRAR'S NOTICE: Pursuant to § 2.2-4007 J of the Code of Virginia, the State Water Control Board published notice of suspension of the regulatory process on 9 VAC 25-720, Water Quality Planning Regulation and the repeal of 18 water quality management plans in 18:26 VA.R. 3852-3853 September 9, 2002. Subsequent to the suspension of the regulatory process, the board adopted final revised Water Quality Management Planning Regulations (9 VAC 25-720) and the repeal of the 18 water quality management plans identified below on January 6, 2003.

Final Regulations

Bracketed text indicates a change from the final text of the regulation that was published in 18:26 VA.R. 3808-3852 September 9, 2002.

Title of Regulation: **9 VAC 25-420. James River 3(C) Wastewater Management Plan Peninsula Area (REPEALED).**

Title of Regulation: **9 VAC 25-430. Roanoke River Basin Water Quality Management Plan (REPEALED).**

Title of Regulation: **9 VAC 25-440. Upper Roanoke River Subarea Water Quality Management Plan (REPEALED).**

Title of Regulation: **9 VAC 25-450. Upper James River Basin Water Quality Management Plan (REPEALED).**

Title of Regulation: **9 VAC 25-452. Upper James-Jackson River Subarea Water Quality Management Plan (REPEALED).**

Title of Regulation: **9 VAC 25-460. Metropolitan/Regional Water Quality Management Plan for Northern Neck Planning District (No. 17) (REPEALED).**

Title of Regulation: **9 VAC 25-470. York River Basin Water Quality Management Plan. (REPEALED).**

Title of Regulation: **9 VAC 25-480. Tennessee and Big Sandy River Basins Water Quality Management Plan (REPEALED).**

Title of Regulation: **9 VAC 25-490. Rappahannock Area Development Commission (RADCO) 208 Areawide Waste Treatment Management Plan and Potomac-Shenandoah River Basin 303(E) Water Quality Management Plan (REPEALED).**

Title of Regulation: **9 VAC 25-500. State Water Quality Management Plan for the Fifth Planning District (REPEALED).**

Title of Regulation: **9 VAC 25-510. Water Quality Management Plan for the Southwest Virginia 208 Planning Area (REPEALED).**

Title of Regulation: **9 VAC 25-520. Water Quality Management Plan for the First Tennessee-Virginia Development District (REPEALED).**

Title of Regulation: **9 VAC 25-530. Water Quality Management Plan for the Hampton Roads Planning Area (Planning Districts 20 & 21) (REPEALED).**

Title of Regulation: **9 VAC 25-540. Water Quality Management Plan for the New River Basin (REPEALED).**

Title of Regulation: **9 VAC 25-550. Small Coastal River Basins and Chesapeake Bay Virginia Eastern Shore Portion Water Quality Management Plan (REPEALED).**

Title of Regulation: **9 VAC 25-560. Potomac-Shenandoah River Basin Water Quality Management Plan (REPEALED).**

Title of Regulation: **9 VAC 25-570. Richmond-Crater Interim Water Quality Management Plan (REPEALED).**

Title of Regulation: **9 VAC 25-572. Water Quality Management Plans (REPEALED).**

Title of Regulation: **9 VAC 25-720. Water Quality Management Planning ~~Public Participation Guidelines~~ Regulation (adding 9 VAC 25-720-10 through 9 VAC 25-720-140).**

Statutory Authority: § 62.1-44.15 of the Code of Virginia and 33 USC § 1313(e) of the Clean Water Act.

Effective Date: April 24, 2003.

Summary of Public Comment and Agency Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the Office of the Registrar of Regulations.

Agency Contact: Charles Martin, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4462, FAX (804) 698-4136 or e-mail chmartin@deq.state.va.us.

Summary:

This regulation sets forth the Total Maximum Daily Loads (TMDLs), stream segment classification, effluent limitations including water quality based effluent limitations, and waste load allocations.

In addition, this regulatory action repeals 18 existing water quality management plans as state regulations. These plans are basinwide or areawide waste treatment or pollution control management plans developed in accordance with §§ 208 and 303(e) of the Clean Water Act (CWA), as implemented by 40 CFR Part 130. These plans serve as repositories for TMDLs, water quality based effluent limits, waste load allocations and the recommended pollution control measures needed to attain or maintain water quality standards. These plans no longer reflect current conditions and need to be updated. There are no federal or state statutory or regulatory requirements for the plans to be regulations, but they continue to be in the Virginia Administrative Code. The repeal of these plans as regulations allows for a more dynamic water quality management plan update process, reduces potential for conflicts between TMDLs, VPDES permits and the existing WQMPs, and eliminates unnecessary and outdated regulations.

The only changes to the regulation since the September 9, 2002, publication are the incorporation of additional text from the existing regulations and a change in the information on the discharge for the Town of Keysville based on a previous board action concerning a consent special order.

CHAPTER 720.

~~VIRGINIA WATER QUALITY MANAGEMENT PLANNING
PUBLIC PARTICIPATION GUIDELINES REGULATION.~~

9 VAC 25-720-10. Definitions.

~~The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:~~

~~"Board" means the Commonwealth of Virginia State Water Control Board or State Water Control Board.~~

~~"Department" means the Virginia Department of Environmental Quality.~~

~~"Director" means the Director of the Virginia Department of Environmental Quality.~~

~~"CWA" means the Clean Water Act, as amended, 33 USC § 1251 et seq.~~

~~"EPA" means the United States Environmental Protection Agency.~~

~~"Impaired waters" means those water bodies or water body segments that are not fully supporting or are partially supporting of the fishable and swimmable goals of the Clean Water Act and include those waters identified as impaired according to subdivision C 1 of § 62.1-44.19:5 of the Code of Virginia.~~

~~"Nonpoint source" means a source of pollution that is not collected or discharged as a point source.~~

~~"Point source" means any discernible, defined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agricultural land.~~

~~"303(d) list" means the list, pursuant to the federal Clean Water Act (33 USC § 1313 et seq.) and § 62.1-44.19:5 C and D of the Code of Virginia, identifying all waters or stream segments that fail to attain the quality required by the water quality standards or that fail to attain the assigned beneficial uses.~~

~~"303(d) report" means the 303(d) list and other items pursuant to § 62.1-44.19:5 C of the Code of Virginia.~~

~~"305(b) report" means the biennial report describing the status of water quality for all navigable waters that each state must develop and submit to EPA pursuant to the federal Clean Water Act (33 USC § 1315 et seq.).~~

~~"Total maximum daily load (TMDL)" means the amount of a pollutant that a particular water or stream segment can assimilate and still meet all the requirements of the water quality standards and attain all the assigned beneficial uses.~~

~~"Virginia Pollutant Discharge Elimination System (VPDES) Permit" means a document issued by the board, pursuant to state regulation 9 VAC 25-31, authorizing under prescribed conditions the potential or actual discharge of pollutants from a point source to surface waters and the use or disposal of sewage sludge. Under the approved state program, a VPDES permit is equivalent to a NPDES permit.~~

~~"Wasteload allocation" means the portion of a receiving water's loading capacity that is allocated to one or more existing or future point sources of pollution.~~

~~"Wasteload allocation study" means the development or modification of a wasteload allocation for one discharger in a nonimpaired water that may modify or limit the allocations assigned to other dischargers to the same water or stream segment.~~

~~"Water quality management plans (WQMPs)" means watershed plans prepared under the federal Clean Water Act (33 USC § 1313 et seq.) containing in part the following elements: TMDLs, water quality based effluent limits, schedules for compliance of effluent limits, nonpoint source management and control strategies, provisions for intergovernmental cooperation, and implementation measures.~~

~~"Water Quality Monitoring, Information, and Restoration Act (WQMIRA)" means §§ 62.1-44.19:4 through 62.1-44.19:8 of the Code of Virginia.~~

~~"Water quality standards (WQS)" mean provisions of state or federal law that consist of designated use or uses for the waters of the Commonwealth and water quality criteria for such waters based upon such uses. Water quality standards are to protect the public health or welfare, enhance the quality of water and serve the purposes of the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) and the federal Clean Water Act (33 USC § 1251 et seq.).~~

9 VAC 25-720-20. Purpose.

~~This regulation sets forth the public participation procedures that the board shall follow in connection with development of TMDLs, certain wasteload allocation studies, § 303(d) lists, and WQMPs in order to provide the public and stakeholders with an adequate opportunity to participate in their development and implementation.~~

9 VAC 25-720-30. Public notice of TMDL actions.

~~A. The board shall give public notice of the following actions:~~

- ~~1. A TMDL development process is beginning under § 62.1-44.19:7 of the Code of Virginia;~~
- ~~2. A draft TMDL has been prepared and is ready for public review and comment;~~
- ~~3. A TMDL implementation plan development process is beginning under § 62.1-44.19:7 of the Code of Virginia;~~
- ~~4. A draft TMDL implementation plan has been prepared and is ready for public review and comment; and~~
- ~~5. A two-year priority schedule for TMDL development has been prepared pursuant to § 62.1-44.19:7 C of the Code of Virginia and is ready for public review and comment.~~

~~B. Public notices may describe more than one TMDL or TMDL actions.~~

9 VAC 25-720-40. Public notice of wasteload allocation study.

~~A. For wasteloads that affect only one discharger in a nonimpaired water, opportunity for public participation shall be limited to that provided during the permit issuance procedures in accordance with 9 VAC 25-31.~~

~~B. The board shall give public notice when a wasteload allocation study in a nonimpaired water is to be prepared that may result in the modification or limitation of the allocation assigned to more than one discharger to the same water or stream segment.~~

Final Regulations

~~C. Wasteload allocation studies are guidance only with no legally binding effect.~~

~~D. Wasteload allocation decisions will be made in accordance with 9 VAC 25-31.~~

~~E. Public notices may describe more than one wasteload allocation study.~~

9 VAC 25-720-50. Public notice of 303(d) report actions.

~~A. The board shall give public notice of the following actions:~~

- ~~1. The draft procedure for developing the 305(b) report and 303(d) report for defining impaired waters has been prepared under § 62.1-44.19:5 C of the Code of Virginia and is available for public review and comment;~~
- ~~2. The draft 303(d) report has been prepared under § 62.1-44.19:5 C of the Code of Virginia and is available for public review and comment; and~~
- ~~3. An impaired water has attained water quality standards and is to be removed from the EPA approved 303(d) list.~~

~~B. Public notices may describe more than one 303(d) report action.~~

9 VAC 25-720-60. Public notice of WQMP actions.

~~A. The board shall give public notice of the following actions:~~

- ~~1. A WQMP revision is beginning under 9 VAC 25-720-70 G;~~
- ~~2. WQMP advisory committee is to meet; and~~
- ~~3. A revised WQMP has been prepared and is ready for public review and comment.~~

~~B. Public notices may describe more than one WQMP action.~~

9 VAC 25-720-70. Conditions applicable to WQMPs.

~~A. WQMPs shall comply with the conditions set forth in § 303(e) of the CWA.~~

~~B. WQMPs serve as repositories for TMDLs, wasteload allocations, TMDL implementation plans, and other information pursuant to § 303(e) of the Clean Water Act and § 62.1-44.19:7 of the Code of Virginia.~~

~~C. Every five years all WQMPs shall be reviewed and the director shall determine if revisions are needed to reflect new requirements or changing water quality conditions.~~

~~D. Advisory committees shall be established to assist the board in the revision of the WQMP. WQMP advisory committees shall include, but not be limited to, representatives in the watershed from local governments, environmental groups, agriculture, silviculture, manufacturing, and mining.~~

9 VAC 25-720-80. Public notice methods.

~~A. Virginia Register. Public notices described under 9 VAC 25-720-30 A, 9 VAC 25-720-40 B, 9 VAC 25-720-50, and 9 VAC 25-720-60 shall be given by publication in the Virginia Register.~~

~~B. Mailings. Public notice described in 9 VAC 25-720-30 A 1 through 4, 9 VAC 25-720-40 B, and 9 VAC 25-720-60 shall be~~

~~given by mailing or e-mailing a copy of a notice to the following:~~

- ~~1. Any VPDES permittee within the watershed that may have their wasteload allocation modified or limited by the TMDL or wasteload allocation study;~~
- ~~2. Any planning district commission that may have jurisdiction over the areas included in the action;~~
- ~~3. Persons on the mailing list maintained by the board including those who request to be on the list;~~
- ~~4. Federal and state agencies having jurisdiction that may be affected by the action;~~
- ~~5. Soil and water conservation districts having jurisdiction over areas included in the action;~~
- ~~6. Chief administrative officer or designee and chair of governing body or designee of any unit of local government having jurisdiction over the areas included in the action; and~~
- ~~7. Any adjacent state that may be affected by the results of the action.~~

~~C. Newspaper. The public notice described in 9 VAC 25-720-30 A 1 through 4, 9 VAC 25-720-40 B, and 9 VAC 25-720-60 shall be published in a newspaper of general circulation in the area.~~

~~D. Other methods. The public notice described in 9 VAC 25-720-30 A 1 through 4, 9 VAC 25-720-40 B, 9 VAC 25-720-50 A, and 9 VAC 25-720-60 shall be given by any other method reasonably calculated to give actual notice to persons potentially affected, including press releases, or any other forum or medium to elicit public participation, such as posting on the Internet.~~

~~E. Timing. Public notices described in 9 VAC 25-720-30, 9 VAC 25-720-40 B, 9 VAC 25-720-50, and 9 VAC 25-720-60 shall allow at least 30 days for public comment after publication.~~

~~F. Contents.~~

~~1. All public notices issued under this regulation shall contain the following minimum information:~~

- ~~a. Description of the action being taken;~~
- ~~b. The name of the water or stream segment, location description, and watershed for which the action is being taken;~~
- ~~c. A brief description of the procedures for submitting comments and the time and location of any public meeting that may be held;~~
- ~~d. Name and address of the department's offices responsible for the action for which public notice is being given. If the study or action will involve multiple regions, each regional office affected shall be listed; and~~
- ~~e. Name, address, telephone number and e-mail address of a person or persons from whom interested persons may obtain fact sheets and additional information.~~

~~2. In addition to the general public notice described in subdivision 1 of this subsection, the public notice of a public meeting shall contain the following additional information:~~

~~a. Reference to the date of previous public notices relating to the study;~~

~~b. Date, time, and place of public meetings; and~~

~~c. A brief description of the nature and purpose of the public meeting, including the applicable rules and procedures.~~

9 VAC 25-720-90. Public meetings.

~~A. The board shall hold a public meeting for actions described under 9 VAC 25-720-30 A 1 through 4, 9 VAC 25-720-40 B, 9 VAC 25-720-50 A 2, and 9 VAC 25-720-60.~~

~~B. Public notice of the public meetings shall be given as specified in 9 VAC 25-720-80.~~

~~C. Any public meeting convened pursuant to this section shall be held in the geographic area of the proposed action.~~

9 VAC 25-720-100. Public comments and agency response.

~~During the public comment period, any interested person may submit written comments on the actions being public noticed. All relevant comments shall be considered by the board when taking actions under 9 VAC 25-720-110. A summary response to comments shall be prepared and made available to the public.~~

9 VAC 25-720-110. Board actions.

~~Board actions shall be required for:~~

~~1. Approval of TMDLs for submittal to EPA;~~

~~2. Adoption of EPA-approved TMDLs under § 2-2-4006 A 4 e of the Code of Virginia;~~

~~3. Authorization to include adopted TMDLs in the appropriate WQMP; and~~

~~4. Approval of WQMPs developed under 9 VAC 25-720-70 G.~~

9 VAC 25-720-120. Delegation section.

~~The director or his designee may perform any action contained in this regulation except those prohibited by § 62-1-44.14 of the State Water Control Law.~~

9 VAC 25-720-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Assimilative capacity" means the greatest amount of loading that a water can receive without violating water quality standards, significantly degrading waters of existing high quality, or interfering with the beneficial use of state waters.

"Best management practices (BMP)" means a schedule of activities, prohibition of practices, maintenance procedures and other management practices to prevent or reduce the pollution of state waters. BMPs include treatment requirements, operating and maintenance procedures, schedule of activities, prohibition of activities, and other management practices to control plant site runoff, spillage,

leaks, sludge or waste disposal, or drainage from raw material storage.

"Best practicable control technology currently available (BPT)" means control measures required of point source discharges (other than POTWs) as determined by the EPA pursuant to § 304(b)(1) of the CWA (33 USC § 1251 et seq.) as of 1987.

"Board" means the State Water Control Board (SWCB).

"Clean Water Act or Act (CWA)" means 33 USC § 1251 et seq. as amended, as of 1987.

"Discharge" means when used without qualification, a discharge of a pollutant or any addition of any pollutant or combination of pollutants to state waters or waters of the contiguous zone or ocean or other floating craft when being used for transportation.

"Effluent limitation" means any restriction imposed by the board on quantities, discharge rates or concentrations of pollutants that are discharged from joint sources into state waters.

"Effluent limitation guidelines" means a regulation published by EPA under the Act and adopted by the board.

"Effluent limited segment (EL)" means a stream segment where the water quality does and probably will continue to meet state water quality standards after the application of technology-based effluent limitations required by §§ 301(b) and 306 of the CWA (33 USC § 1251 et seq.) as of 1987.

"Environmental Protection Agency (EPA)" means the United States Environmental Protection Agency.

"Load or loading" means the introduction of an amount of matter or thermal energy into a receiving water. Loading may be either man-caused (pollutant loading) or natural (background loading).

"Load allocation (LA)" means the portion of a receiving water's loading capacity attributable either to one of its existing or future nonpoint sources of pollution or to natural background sources. Load allocations are best estimates of the loading, which may range from accurate estimates to gross allotments, depending on the availability of data and appropriate techniques for predicting the loading. Wherever possible, natural and nonpoint source loads should be distinguished.

"Nonpoint source" means a source of pollution, such as a farm or forest land runoff, urban storm water runoff, mine runoff, or salt water intrusion that is not collected or discharged as a point source.

"Point source" means any discernible, defined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agricultural land.

"Pollutant" means any substance, radioactive material, or heat that causes or contributes to, or may cause or contribute to, pollution. It does not mean:

[~~a~~. 1.] Sewage from vessels; or

Final Regulations

[~~b~~ 2.] *Water, gas, or other material that is injected into a well to facilitate production of oil, dry gas, or water derived in association with oil or gas production and disposed of in a well, if the well is used either to facilitate production or for disposal purposes if approved by the Department of Mines, Minerals and Energy unless the board determines that such injection or disposal will result in the degradation of ground or surface water resources.*

"Pollution" means such alteration of the physical, chemical or biological properties of any state waters as will or is likely to create a nuisance or render such waters (i) harmful or detrimental or injurious to the public health, safety or welfare, or to the health of animals, fish or aquatic life; (ii) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (iii) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses; provided that: (a) an alteration of the physical, chemical, or biological property of state waters, or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner, which by itself is not sufficient to cause pollution, but which, in combination with such alteration of or discharge or deposit to state waters by other owners is sufficient to cause pollution; (b) the discharge of untreated sewage by any owner into state waters; and (c) contributing to the contravention of standards of water quality duly established by the board, are "pollution" for the terms and purposes of this water quality management plan.

"Publicly owned treatment works (POTW)" means any sewage treatment works that is owned by a state or municipality. Sewers, pipes, or other conveyances are included in this definition only if they convey wastewater to a POTW providing treatment.

"State waters" means all waters, on the surface and under the ground and wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

"Surface water" means all waters in the Commonwealth except ground waters as defined in § 62.1-255 of the Code of Virginia.

"Total maximum daily load (TMDL)" means the sum of the individual waste load allocations (WLAs) for point sources, load allocations (LAs) for nonpoint sources, natural background loading and usually a safety factor. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

"Toxic pollutant" means any agent or material including, but not limited to, those listed under § 307(a) of the CWA (33 USC § 1251 et seq. as of 1987), which after discharge will, on the basis of available information, cause toxicity.

9 VAC 25-720-50. Potoma -Shenandoah River Basin.

A. Total maximum daily load (TMDLs).

B. Stream segment classifications, effluent limitations including water quality based effluent limitations, and waste load allocations.

"Toxicity" means the inherent potential or capacity of a material to cause adverse effects in a living organism, including acute or chronic effects to aquatic life, detrimental effects on human health or other adverse environmental effects.

"Virginia Pollution Discharge Elimination System (VPDES) permit" means a document issued by the board, pursuant to 9 VAC 25-30, authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters.

"Waste load allocation (WLA)" means the portion of a receiving water's loading or assimilative capacity allocated to one of its existing or future point sources of pollution. WLAs are a type of water quality-based effluent limitation.

"Water quality limited segment (WQL)" means any stream segment where the water quality does not or will not meet applicable water quality standards, even after the application of technology-based effluent limitations required by §§ 301(b) and 306 of the CWA (33 USC § 1251 et seq. as of 1987).

"Water quality management plan (WQMP)" means a state- or area-wide waste treatment management plan developed and updated in accordance with the provisions of §§ 205(j), 208 and 303 of the CWA (33 USC § 1251 et seq. as of 1987).

"Water quality standards (WQS)" means narrative statements that describe water quality requirements in general terms, and of numeric limits for specific physical, chemical, biological or radiological characteristics of water. These narrative statements and numeric limits describe water quality necessary to meet and maintain reasonable and beneficial uses such as swimming and, other water based recreation, public water supply and the propagation and growth of aquatic life. The adoption of water quality standards under the State Water Control Law is one of the board's methods of accomplishing the law's purpose.

9 VAC 25-720-20. Purpose.

The purpose of this regulation is to list by major river basin the following:

EPA-approved and board-adopted total maximum daily loads (TMDLs) and the stream segment classifications, effluent limitations including water quality based effluent limitations, and waste load allocations contained in the existing water quality management plans (WQMPs).

9 VAC 25-720-30. (Reserved)

9 VAC 25-720-40. (Reserved)

Final Regulations

TABLE B1 - POTOMAC RIVER SUB-BASIN RECOMMENDED SEGMENT CLASSIFICATIONS

SEGMENT NUMBER	DESCRIPTION OF SEGMENT	MILE TO MILE	CLASSIFICATION
1-23	Potomac River tributaries from the Virginia-West Virginia state line downstream to the boundary of the Dulles Area Watershed Policy	176.2 – 149.0	WQ
1-24	Potomac River tributaries located within the boundaries of the Dulles Area Watershed Policy	149.0 – 118.4	WQ
1-25	Potomac River tributaries from the downstream limit of the Dulles Area Watershed Policy to Jones Point	118.4 – 107.6	WQ
1-26	Potomac River tributaries from Jones Point downstream to Route 301 bridge	107.6 – 50.2	WQ
1-27	All Streams included in the Occoquan Watershed Policy		WQ
1-28	Potomac tributaries from Route 301 bridge downstream to the mouth of the Potomac River	[0.2 – 0.0 50.2-0.0]	EL

TABLE B2 – POTOMAC RIVER SUB-BASIN - RECOMMENDED PLAN FOR WASTEWATER FACILITIES

FACILITY NUMBER	NAME	RECEIVING STREAM	RECOMMENDED ACTION	SIZE	TREATMENT LEVEL (4)	BOD ₅	OD	TKN	P	INSTITUTIONAL ARRANGEMENT
1	Hillsboro	North Fork Catoclin Creek WQ (1–23)	Construct new facility	.043 ⁽²⁾	AWT	7 ⁽⁷⁾	-	-	-	Loudoun County Sanitation Authority (LCSA)
2	Middleburg	Wancopin Creek WQ [(1-23)]	Construct new facility; abandon old facility	.135	AST	14 ⁽⁵⁾	-	-	-	LCSA
3	Middleburg East and West	Unnamed tributary to Goose Creek WQ (1–23)	Abandon- pump to new facility							
4	Round Hill	North Fork Goose Creek	No further action recommended	.2	AWT	10 ⁽⁵⁾	-	-	-	Town of Round Hill
5	St. Louis	Beaver Dam Creek [WQ (1-23)]	Construct new facility	.086	AST	20 ⁽⁵⁾	-	-	-	LSCA
6	Waterford	South Fork Catoclin Creek WQ (1-23)	No further action recommended	.058	AST	24 ⁽⁵⁾	-	-	-	LSCA
7	Hamilton	Unnamed tributary to South Fork of Catoclin Creek WQ (1-23)	Upgrade and or expand	.605 ⁽²⁾	AWT	7 ⁽⁷⁾	-	-	-	Town of Hamilton
8	Leesburg	Tuscarora Creek (1-24)	Upgrade and or expand	2.5	AWT	1 ⁽⁹⁾	-	1	0.1	Town of Leesburg
9	Lovettesville	Dutchman Creek WQ (1-23)	Upgrade and or expand	.269 ⁽²⁾	AWT	7 ⁽⁷⁾	-	-	-	Town of Lovetteville
10	Purcellville	Unnamed tributary to North Fork Goose Creek WQ (1-23)	No further action recommended	.5	AST	15 ⁽⁵⁾	-	-	-	Town of Purcellville
11	Paeonian Springs	Unnamed tributary to [South Fork of Catoclin Creek WQ (1-23)]	Construct new facility	.264 ⁽²⁾	AWT	7 ⁽⁷⁾	-	-	-	LCSA
12	Cedar Run Regional	Walnut Branch or Kettle Run WQ (1-27)	Construct new facility	1.16 ⁽²⁾	AWT	1 ⁽⁶⁾	-	1	0.1	Fauquier County Sanitation Authority

Final Regulations

13	Vint Hill Farms	South Run (1-27)	Upgrade and/or expand	.246	AST	14 ⁽⁵⁾	-	-	2.5	U.S. Army
14	Arlington	Four Mile Run WQ (1-25)	Upgrade and/or expand	30 ⁽³⁾	AWT	3 ⁽⁸⁾	-	1	0.2	Arlington County
15	Alexandria	Hunting Creek WQ [(1-27) (1-26)]	Upgrade and/or expand	54	AWT	3 ⁽⁸⁾	-	1	.02	Alexandria Sanitation Authority
16	Westgate	Potomac River WQ (1-26)	Abandon- pump to Alexandria							
17	Lower Potomac	Pohick Creek WQ (1-26)	Upgrade and/or expand	36(3)	AWT	3/8	-	1	0.2	Fairfax County
18	Little Hunting Creek	Little Hunting Creek WQ (1-26)	Abandon- pump to Lower Potomac							
19	Doque Creek	Doque Creek WQ (1-26)	Abandon- pump to Lower Potomac							
20	Fort Belvoir 1 and 2	Doque Creek WQ (1-26)	Abandon- pump to Lower Potomac							
21	Lorton	Mills Branch WQ (1-26)	Upgrade and/or expand	1.0	AWT	3 ⁽¹¹⁾	-	1	0.1	District of Columbia
22	UOSA	Tributary to Bull Run [WQ] (1-27)	Expanded capacity by 5 mgd increments	10.9 ⁽³⁾	AWT	1 ⁽⁶⁾	-	1	0.1	USOA
23	Gainesville Haymarket	Tributary Rock Branch WQ (1-27)	Abandon Pump to UOSA							
24	Potomac (Mooney)	[Neabaco Neabsco] Creek WQ (1-26)	Construct new facility	12 ⁽³⁾	AWT	3 ⁽⁸⁾	-	1	0.2	Occoquan-Woodbridge Dumfries-Triangle Sanitary District
25	Belmont	Marumsco Creek WQ (1-26)	Abandon- pump to Potomac							
26	Featherstone	Farm Creek WQ (1-26)	Abandon- pump to Potomac							
27	Neabaco	[Neabaco Neabsco] Creek WQ (1-26)	Abandon- pump to Potomac							
28	Dumfries	Quantico Creek WQ (1-26)	Abandon- pump to Potomac							
29	Dale City #1	[Neabaco Neabsco] Creek WQ (1-26)	Upgrade and /or expand	4.0	AWT	3 ⁽⁸⁾	-	1	0.2	Dale Service Corporation (DSC)
30	Dale City #8	[Neabaco Neabsco] Creek WQ [(1-26)]	Upgrade and /or expand	2.0	AWT	3 ⁽⁸⁾	1	1	0.2	DSC
31	Quantico Mainside	Potomac River WQ [(1-26)]	Upgrade and /or expand	2.0	AWT	3 ⁽⁸⁾	-	1	0.2	U.S. Marine Corps
32	Aquia Creek	Austin Run WQ (1-26)	Construct new facility	3.0	AWT	3 ⁽⁸⁾	-	1	0.2	Aquia Sanitary District
33	Aquia	Aquia Creek WQ (1-26)	Abandon- pump to new facility							

Final Regulations

34	Fairview Beach	Potomac River (estuary)	Construct new facility	.05	Secondary	Secondary	-	-	-	Fairview Beach Sanitary District
35	Dahlgren	Upper Machodoc Creek WQ (1-28)	Upgrade and /or and [expand]	.2	Secondary	Secondary	-	-	-	Dahlgren Sanitary District
36	Colonial Beach	Monroe Creek [EL (1-28)]	No further action recommended	.85	Secondary	28 ⁽⁵⁾ (13)				Town of Colonial Beach
37	Machodoc Kinsale		Construct new facility	.89	Secondary & Spray Irrigation	48 ⁽¹⁰⁾ (13)	-	-	-	Machodoc Kinsale Sanitary District
38	Callao		Construct new facility	.25	Secondary & Spray Irrigation	48 ⁽¹⁰⁾ (13)	-	-	-	Callao Sanitary District
39	Heathsville		Construct new facility	.10	Secondary & Spray Irrigation	48 ⁽¹⁰⁾ (13)	-	-	-	Heathsville Sanitary District
40	King George Courthouse	Pine Creek	Construct new facility	.039	Secondary	30 ⁽¹³⁾	-	-	-	King George County

TABLE B2 - NOTES: POTOMAC RIVER SUB-BASIN - RECOMMENDED PLAN FOR WASTEWATER TREATMENT FACILITIES

⁽¹⁾ Year 2000 design flow 201 Facility Plan, P.L. 92-500, unless otherwise noted.

⁽²⁾ Year 2000 average flow from Potomac/Shenandoah 303(e) Plans, Vol V-A Appendix, 1975 pp. B-33-B-44.

⁽³⁾ Future expansion at unspecified date.

⁽⁴⁾ Secondary treatment : 24-30 mg/l BOD₅, advanced secondary treatment (AST): 11-23 mg/l, advanced wastewater treatment (AWT): <10mg/l BOD₅. A range is given to recognize that various waste treatment processes have different treatment efficiencies.

⁽⁵⁾ Effluent limits calculated using mathematical modeling.

⁽⁶⁾ Effluent limits based on Occoquan Watershed Policy, presented under reevaluation.

⁽⁷⁾ Effluent limits based on treatment levels established by the Potomac/Shenandoah 303(e) Plan, Vol. V-A 1975, p. 237, to protect low flow streams and downstream water supply.

⁽⁸⁾ Effluent limits based on Potomac River Embayment Standards, presently under reevaluation. Nitrogen removal limits deferred until reevaluation is complete.

⁽⁹⁾ Effluent limits based on Dulles Watershed Policy, recommended for reevaluation. Interim effluent limits of 12 mg/l BOD₅ and 20 mg/l Suspended Solids will be met until the Dulles Area Watershed Standards are reevaluated.

⁽¹⁰⁾ Effluent limits based on Virginia Sewerage Regulation, Section 33.02.01.

⁽¹¹⁾ Interim effluent limits of 30 mg/l BOD₅, 30mg/l Suspended Solids, and 4 mg/l Phosphorus, will be effective until average daily flows exceeds 0.75 MGD. At greater flows than 0.75 MGD, the effluent limitations will be defined by the Potomac Embayment Standards.

⁽¹²⁾ Secondary treatment is permitted for this facility due to the the extended outfall into the main stem of the Potomac River.

⁽¹³⁾ This facility was also included in the Rappahannock Area Development Commission (RADCO) 208 Areawide Waste Treatment Management Plan and Potomac-Shenandoah River Basin 303 (e) Water Quality Management Plan.

TABLE B3 - SHENANDOAH RIVER SUB-BASIN RECOMMENDED SEGMENT CLASSIFICATIONS

SEGMENT NUMBER	DESCRIPTION OF SEGMENT	MILE TO MILE	CLASSIFICATION
1-1	North River-main stream and tributaries excluding segments 1-1a, 1-1b	56.4-0.0	EL
1-1a	Muddy Creek-main stream and War Branch, RM 0.1-0.0	3.7 - 1.7	WQ
1-1b	North River-main stream	16.1 - 4.6	WQ
1-2	Middle River-main stream and tributaries excluding segments 1-2a, 1-2b	69.9 - 0.0	EL
1-2a	Middle River-main stream	29.5 - 17.9	WQ
1-2b	Lewis Creek-main stream	9.6 - 0.0	WQ
1-3	South River-main stream and tributaries excluding segment 1-3a	52.2 - 0.0	EL
1-4	South Fork Shenandoah-main stream and tributaries excluding segments 1-4a, 1-4b, 1-4c	102.9 - 0.0	EL

Final Regulations

1-4a	South Fork Shenandoah-main stream	88.1 - 78.2	WQ
1-4b	Hawksbill Creek-main stream	6.20 - 0.0	WQ
1-4c	Quail Run-main stream	5.2 - 3.2	WQ
1-5	North Fork Shenandoah- main stream and tributaries excluding segment 1-5a, 1-5h	108.9 – 0.0	EL
1-5a	Stony Creek-main stream	19.9 - 14.9	WQ
1-5b	North Fork Shenandoah-main stream	89.0 - 81.4	WQ
1-6	Shenandoah River-main stream and tributaries excluding segments 1-6a, 1-6b	57.4 - 19.8	EL
1- 6a	Stephens Run-main stream	8.3 - 0.0	WQ
1-6b	Dog Run-main stream	5.2 - 0.0	WQ
1-7	Opequon Creek-main stream and tributaries excluding segments 1-7a, 1-7b	54.9 - 23.6	EL
1-7a	Opequon Creek-main stream	32.3 - 23.6	WQ
1-7b	Abrams Creek-main stream	8.7 - 0.0	WQ
1-8	All Virginia streams upstream of Opequon-Potomac confluence that have headwaters in Frederick County	--	EL
1-9	All Virginia streams upstream of Opequon-Potomac confluence that have headwaters in Highland County	--	EL

* R.M. = River Mile, measured from the river mouth

TABLE B4 - SHENANDOAH RIVER SUB-BASIN - RECOMMENDED PLAN FOR SELECTED INDUSTRIAL WASTEWATER TREATMENT FACILITIES

FACILITY NUMBER	NAME ⁽¹⁾	INDUSTRIAL CATEGORY	RECEIVING STREAM CLASSIFICATION	RECOMMENDED WASTELOAD ALLOCATION ⁽²⁾			COMPLIANCE SCHEDULE
				BOD ₅	TKN	NH ₃ -N	
1	Wampler	Food Processing	War Branch WQ (1-1a)	84 ⁽³⁾	-	-	None
6	Wayn-Tex	Plastic and Synthetic Materials Mfg.*	South River WQ (1-3a)	44 ⁽⁵⁾	-	-	None
7	DuPont	Plastic and Synthetic Materials Mfg.*	South River WQ (1-3a)	600	-	50	None
8	Crompton-Shenandoah	Textile Mills*	South River WQ (1-3a)	60	173 ⁽⁴⁾	88	None
10	General Electric	Electroplating*	South River WQ (1-3a)	BPT Effluent Limits			None
12	Merck	Miscellaneous Chemicals (Pharmaceutical)*	S. F. Shenandoah River WQ (1-4a)	3454	2846	1423	Consent Order
17	VOTAN	Leather, Tanning and Finishing*	Hawksbill Creek WQ (1-4b)	240	75	-	None
21	National Fruit	Food Processing	N. F. Shenandoah River WQ (1-5b)	(6)	(6)	(6)	None
[22	Rockingham Poultry	Food Processing	N. F. Shenandoah River WQ (1-5b)	(6)	(6)	(6)	None]
23	Shen-Valley Meat Packers	Food Processing	N. F. Shenandoah River WQ (1-5b)	(6)	(6)	(6)	None

Final Regulations

35	O'Sullivan	Rubber Processing* Machinery and Mechanical Products Manufacturing	Abrams Creek WQ (1-7b)	BPT Effluent Limits	None
----	------------	---	------------------------	---------------------	------

TABLE B4 - NOTES: SHENANDOAH RIVER SUB-BASIN - RECOMMENDED PLAN SELECTED INDUSTRIAL WASTEWATER TREATMENT FACILITIES

⁽¹⁾ An * identifies those industrial categories that are included in EPA's primary industry classification for which potential priority toxic pollutants have been identified.

⁽²⁾ Allocation (lb/d) based upon 7Q10 stream flow. Tiered permits may allow greater wasteloads during times of higher flow. BPT = Best Practicable Technology.

⁽³⁾ A summer 1979 stream survey has demonstrated instream D.O. violations. Therefore, the identified wasteload allocation is to be considered as interim and shall be subject to further analysis.

⁽⁴⁾ The NPDES permit does not specify TKN but does specify organic-N of 85 lb/d. TKN is the sum of NH₄-N and organic -N.

⁽⁵⁾ This allocation is based upon a flow of 0.847 MGD.

⁽⁶⁾ The total assimilative capacity for segment WQ (1-5b) will be developed from an intensive stream survey program and development of an appropriate calibrated and verified model. Wasteload allocations for National Fruit, Rockingham Poultry and Shen-Valley will be determined after the development of the calibrated and verified model and the determination of the segment's assimilative capacity.

TABLE B5 - SHENANDOAH RIVER SUB-BASIN - RECOMMENDED PLAN FOR SELECTED MUNICIPAL WASTEWATER TREATMENT FACILITIES

FACILITY NUMBER	NAME	RECOMMENDED RECEIVING STREAM	FACILITY			WASTELOAD ALLOCATION ⁽³⁾ lb/d BOD ₅	INSTITUTIONAL ARRANGEMENT	COMPLIANCE ⁽⁴⁾ SCHEDULE
			RECOMMENDED ACTION	SIZE ⁽¹⁾	TREATMENT ⁽²⁾ LEVEL			
2	Harrisonburg Rockingham Reg. Sewer Auth.	North River WQ (1-1)	Correct I/I	12.0 ⁽⁵⁾	AST	2,000 ⁽⁶⁾	Harrisonburg- Rockingham Regional Sewer Authority	None
3	Verona	Middle River WQ (1-2a)	Construct new facility, abandon old plant, correct I/I	0.8	Secondary	Secondary Limits	Augusta County Service Authority	July 1, 1983
4	Staunton	Middle River WQ (1-2a)	Upgrade, provide outfall to Middle River, correct I/I	4.5	Secondary	Secondary Limits	City of Staunton	July 1, 1983
5	Fishersville	Christians Creek EL (1-2)	No further action recommended	2.0	Secondary	Secondary Limits	Augusta County Service Authority	None
9	Waynesboro	South River WQ (1-3a)	Upgrade, correct I/I	4.0	AWT with nitrification	250 ⁽⁵⁾	City of Waynesboro	July 1, 1983
11	Grottoes	South River EL (1-3)	Construct new facility	0.225	Secondary	Secondary Limits	Town of Grottoes	No existing facility
[13	Elkton	S.F. Shenandoah River WQ (1-4a)]	Construct new facility, abandon old plant	0.4	Secondary	Secondary Limits	Town of Elkton	July 1, 1983]
[	Massanutten Public Service Corporation	Quail Run WQ (1-4c)	No further action recommended	1.0	AWT	84.0	Private	None]
[15	Shenandoah	S.F. Shenandoah River EL (1-4)	Upgrade, expand, correct I/I	0.35	Secondary	Secondary limits	Town of Shenandoah	No existing facility]
20	Broadway	N.F. Shenandoah River WQ (1-5b)	Upgrade, expand, investigate I/I	⁽⁶⁾	⁽⁶⁾	⁽⁶⁾	Town of Broadway	July 1, 1983
24	Timberville	N.F. Shenandoah River WQ (1-5b)	Upgrade, expand, investigate I/I	⁽⁶⁾	⁽⁶⁾	⁽⁶⁾	Town of Timberville	July 1, 1983
25	New Market	N.F. Shenandoah River EL (1-5)	Upgrade, investigate I/I	0.2	Secondary	Secondary Limits	Town of New Market	July 1, 1983
26	Mount Jackson	N.F. Shenandoah River EL (1-5)	Upgrade, expand, correct I/I	.0.2	Secondary	Secondary Limits	Town of Mount Jackson	July 1, 1983
27	Edinburg	N.F. Shenandoah [River EL (1-5)]	Upgrade, expand, investigate I/I	0.15 [0.6]	Secondary AST	Secondary Limits 65	Town of Edinburg Public	July 1, 1983 None
28	Stony Creek Sanitary District	River EL (1-5) Stony Creek WQ (1-5a)	No further action required	[0.5 0.6]	[Secondary AST]	[Secondary Limits 6.5]	[Town of Woodstock Public]	[July 1, 1983]

Final Regulations

29	Woodstock	N.F. Shenandoah River EL (1-5)		[0.5	Secondary	Secondary Limits	Town of Woodstock	July 1, 1983]
30	Toms Brook-Mauertown	Toms Brook EL (1-5)	Construct new facility	0.189	Secondary	Secondary Limits	Toms Brook	No existing facility
31	Strasburg	N.F. Shenandoah River EL (1-5)	Upgrade, expand, correct I/I	0.8	Secondary	Secondary Limits	Town of Strasburg	July 1, 1983
32	Middletown	Meadow Brook EL (1-5)	Upgrade, expand	0.2	Secondary	Secondary	Town of Middletown	July 1, 1983
33	Stephens City Stephens Run	Stephens Run EL (1-6a)	Upgrade, expand	0.54	AST	72	Frederick-Winchester Service Authority	July 1, 1983
34	Berryville	Shenandoah River EL (1-6)	Upgrade, provide outfall to Shenandoah River, investigate I/I	0.41	Secondary	Secondary Limits	Town of Berryville	July 1, 1983
36	Frederick-Winchester Regional	Opequon Creek WQ(1-7a)	Construct new facility, abandon county and city plans, correct I/I	6.0	AWT with nitrification	456 ⁽⁷⁾	Frederick-Winchester Service Authority	July 1, 1983
37	Monterey	West Strait Creek EL (1-9)	Upgrade, correct I/I	0.075	Secondary	Secondary Limits	Town of Monterey	July 1, 1983

TABLE B5 - NOTES: SHENANDOAH RIVER SUB-BASIN - RECOMMENDED PLAN FOR SELECTED MUNICIPAL WASTEWATER TREATMENT FACILITIES

⁽¹⁾ Year 2000 design flow (MGD) unless otherwise noted.

⁽²⁾ Secondary treatment: 24-30 mg/l BOD₅, advanced secondary treatment (AST): 11-23 mg/l BOD₅, advanced wastewater treatment (AWT): <10 mg/l BOD₅. A range is given to recognize that various waste treatment processes have different treatment efficiencies.

⁽³⁾ Recommended wasteload allocation calculated using mathematical modeling based upon 7Q10 stream flows. Tiered permits may allow greater wasteloads during periods of higher stream flows. Allocations other than BOD₅ are noted by footnote.

⁽⁴⁾ The July 1, 1983, data is a statutory deadline required by P.L. 92-500, as amended by P.L. 92-217. The timing of construction grant funding may result in some localities to miss this deadline.

⁽⁵⁾ Year 2008 design.

⁽⁶⁾ This BOD loading is based on a 7Q10 flow rate of 26.8 cfs at the HRRSA discharge.

⁽⁷⁾ NH₃-N = 50 lb/d.

⁽⁸⁾ This allocation is based on a TKN loading no greater than 84 lb/day.

[~~TABLE B6 - RAPPAHANNOCK AREA DEVELOPMENT COMMISSION (RADCO) 208 AREAWIDE WASTE TREATMENT PLAN AND POTOMAC SHENANDOAH RIVER BASIN 303(e) WATER QUALITY MANAGEMENT PLAN~~

FACILITY		EFFLUENT LIMITS (mg/l)								
Facility Number	Name	Receiving Stream	Recommended Action	Size (MGD)	Treatment Level ⁽⁴⁾	BOD ₅	ODD	TKN	P	Institutional Arrangement
36	Colonial Beach	Monroe Creek EL (1-28)	No further action recommended	.85	Secondary	28 ⁽⁶⁾	-	-	-	Town of Colonial Beach
37	Machodoc Kinsdale		Construct new facility	.89	Secondary & Spray Irrigation	48 ⁽¹⁰⁾	-	-	-	Machodoc Kinsdale Sanitary District
38	Callao		Construct new facility	.25	Secondary & Spray Irrigation	48 ⁽¹⁰⁾	-	-	-	Callao Sanitary District
39	Heathsville		Construct new facility	.10	Secondary & Spray Irrigation	48 ⁽¹⁰⁾	-	-	-	Heathsville Sanitary District
40	King George Courthouse	Pine Creek	Construct new facility	.039	Secondary	30	-	-	-	King George Co.]

9 VAC 25-720-60. James River Basin.

A. Total maximum daily load (TMDLs).

B. Stream segment classifications, effluent limitations including water quality based effluent limitations, and waste load allocations.

Final Regulations

TABLE B1 - UPPER JAMES RIVER BASIN RECOMMENDED SEGMENT CLASSIFICATION

Stream Name	Segment No.	Mile to Mile	Classification	Comments
Maury River	2-4	80.3-0.0	E.L.	Main & tributaries
James River	2-5	271.5-266.0	W.Q.	Main only
James River	2-6	266.0-115.0	E.L.	Main & tributaries except Tye & Rivanna River
Tye River	2-7	41.7-0.0	E.L.	Main & tributaries except Rutledge Creek
Rutledge Creek	2-8	3.0-0.0	W.Q.	Main only
Piney River	2-9	20.6-0.0	E.L.	Main & tributaries
Rivanna River	2-10	20.0-0.0	E.L.	Main & tributaries
Rivanna River	2-11	38.1-20.0	W.Q.	Main only
Rivanna River	2-12	76.7-38.1	E.L.	Main & tributaries
S.F. Rivanna River	2-13	12.2-0.0	E.L.	Main & tributaries
Mechum River	2-14	23.1-0.0	E.L.	Main & tributaries
N.F. Rivanna River	2-15	17.0-0.0	E.L.	Main & tributaries except Standardsville Run
Standardsville Run	2-16	1.2-0.0	W.Q.	Main only
Appomattox River	2-17	156.2-27.7	E.L.	Main & tributaries except Buffalo Creek, Courthouse Branch, and Deep Creek
Buffalo Creek	2-18	20.9-0.0	E.L.	Main & tributaries except Unnamed Tributary @ R.M. 9.3
Unnamed Tributary of Buffalo Creek @ R.M. 9.3	2-19	1.3-0.0	W.Q.	Main only
Courthouse Branch	2-20	0.6-0.0	W.Q.	Main only
Deep Creek	2-21	29.5-0.0	E.L.	Main & tributaries except Unnamed Tributary @ R.M. 25.0
Unnamed Tributary of Deep Creek @ R.M. 25.0	2-22	2.2-0.0	W.Q.	Main only

TABLE B2 - UPPER JAMES RIVER BASIN LOAD ALLOCATIONS BASED ON EXISTING DISCHARGE POINT⁷

Stream Name	Segment Number	Classification	Mile to Mile	Significant Discharges	Total Assimilative Capacity of Stream BOD ₅ lbs/day	Wasteload Allocation BOD ₅ lbs/day ²	Reserve BOD ₅ lbs/day ⁵
Cedar Creek	2-3	E.L.	1.9-0.0	Natural Bridge, Inc. STP	35.0	28.0	7.0 (20%)
Elk Creek	2-3	E.L.	2.8-0.0	Natural Bridge Camp for Boys STP	7.0	3.3	3.7 (53%)
Little Calfpasture River	2-4	E.L.	10.9-4.0	Craigsville	12.0	9.6	2.4 (20%)
Cabin River	2-4	E.L.	1.7-0.0	Millboro	Self -sustaining	None	None
Maury River	2-4	E.L.	19.6-12.2	Lexington STP	380.0	380.0	None
Maury River	2-4	E.L.	12.2-1.2	Georgia Bonded Fibers	760.0	102.0 ³	238.0 (31%)

Final Regulations

				<i>Buena Vista STP</i>		420.0	
<i>Maury River</i>	2-4	<i>E.L.</i>	1.2-0.0	<i>Lees Carpets</i>	790.0	425.0 ³	290.0 (37%)
				<i>Glasgow STP</i>		75.0	
<i>James River</i>	2-5	<i>W.Q.</i>	271.5- 266.0	<i>Owens-Illinois</i>	4,640.0	4,640.0 ³	<i>None</i>
<i>James River</i>	2-6	<i>E.L.</i>	257.5- 231.0	<i>Lynchburg STP</i>	10,100.0	8,000.0	2,060.0 (20%)
				<i>Babcock & Wilcox- NNFD</i>		40.0 ³	
<i>James River</i>	2-6	<i>E.L.</i>	231.0- 202.0	<i>Virginia Fibre</i>	3,500.0	3,500.0	<i>None</i>
<i>Rutledge Creek</i>	2-8	<i>W.Q.</i>	3.0-0.0	<i>Amherst STP</i>	46.0	37.0	9.0 (20%)
<i>Town Creek</i>	2-7	<i>E.L.</i>	2.1-0.0	<i>Lovington STP</i>	26.0	21.0	5.0 (20%)
<i>Ivy Creek</i>	2-6	<i>E.L.</i>	0.1-0.0	<i>Schuyler</i>	13.8	11.0	2.8 (20%)
<i>James River</i>	2-6	<i>E.L.</i>	186.0- 179.0	<i>Uniroyal, Inc.</i>	1,400.0	19.3 ⁶	1,336.0 (95%)
				<i>Scottsville STP</i>		45.0	
<i>North Creek</i>	2-6	<i>E.L.</i>	3.1-0.0	<i>Fork Union STP</i>	31.0	25.0	6.0 (20%)
<i>Howells Branch and Licking Hole Creek</i>	2-14	<i>E.L.</i>	0.7-0.0	<i>Morton Frozen Foods</i>	20.0	20.03	<i>None</i>
<i>Standardsville Run</i>	2-16	<i>W.Q.</i>	1.2-0.0	<i>Standardsville STP</i>	17.9	14.3	3.6 (20%)
<i>Rivanna River</i>	2-11	<i>W.Q.</i>	23.5-20.0	<i>Lake Monticello STP</i>	480.0	380.0	100.0 (20%)
<i>Rivanna River</i>	2-10	<i>E.L.</i>	15.0-0.0	<i>Palmyra</i>	250.0	4.0	158.0 (63%)
				<i>Schwarzenbach Huber</i>		88.0 ³	
<i>Unnamed Tributary of Whispering Creek</i>	2-6	<i>E.L.</i>	1.2-00	<i>Dillwyn STP</i>	38.0	30.0	8.0 (21%)
<i>South Fork Appomattox River</i>	2-17	<i>E.L.</i>	5.5-0.0	<i>Appomattox Lagoon</i>	18.8	15.0	3.8 (20%)
<i>Unnamed Tributary of Buffalo Creek</i>	2-19	<i>W.Q.</i>	1.3-0.0	<i>Hampden-Sydney Coll. STP</i>	10.0	8.0	2.0 (20%)
<i>Appomattox River</i>	2-17	<i>E.L.</i>	106.1-88.0	<i>Farmville STP</i>	280.0	220.0	60.0 (21%)
<i>Unnamed Tributary of Little Guinea Creek</i>	2-17	<i>E.L.</i>	2.5-1.3	<i>Cumberland H.S. Lagoon</i>	0.6	.5	.1 (20%)

Final Regulations

Unnamed Tributary of Tear Wallet Creek	2-17	E.L.	0.68-0.0	Cumberland Courthouse	8.8	7.0	1.8 (20%)
Courthouse Branch	2-22	W.Q.	2.2-0.0	Amelia STP	21.0	17.0	4.0 (20%)
Unnamed Tributary of Deep Creek	2-22	W.Q.	2.2-0.0	Crewe STP	50.3 ^{11,12}	50.1 ^{11,12}	0.2 (0.4%) ^{11,12,13}

¹ Recommended classification.

² Based on 2020 loads or stream assimilative capacity less 20%.

³ Load allocation based on published NPDES permits.

⁴ This assimilative capacity is based upon an ammonia loading no greater than 125.1 lbs/day.

⁵ Percentages refer to reserve as percent of total assimilative capacity. Minimum reserve for future growth and modeling accuracy is 20% unless otherwise noted.

⁶ No NPDES Permits published (BPT not established) allocation base on maximum value monitored.

⁷ This table is for the existing discharge point. The recommended plan may involve relocation or elimination of stream discharge.

⁸ Assimilative capacity will be determined upon completion of the ongoing study by Hydrosience, Inc.

⁹ Discharges into Karnes Creek, a tributary to the Jackson River.

¹⁰ Discharges into Wilson Creek, near its confluence with Jackson River.

¹¹ Five-day Carbonaceous Biological Oxygen Demand (cBOD₅).

¹² Revision supersedes all subsequent Crewe STP stream capacity, allocation, and reserve references.

¹³ 0.4 percent reserve: determined by SWCB Piedmont Regional Office.

Source: Wiley & Wilson, Inc.

TABLE B3 - UPPER JAMES RIVER BASIN ADDITIONAL LOAD ALLOCATIONS BASED ON RECOMMENDED DISCHARGE POINT

Stream Name	Segment Number	Classification ¹	Mile to Mile	Significant Discharges	Total Assimilative Capacity of Stream BOD ₅ lbs/day	Wasteload ² Allocation BOD ₅ lbs/day	Reserve ⁴ BOD ₅ lbs/day ⁵
Mill Creek	2-4	E.L.	5.5-0.0	Millboro	30.0	7.3	22.7(76%)
Calfpasture River	2-4	E.L.	4.9-0.0	Goshen	65.0	12.0	53.0 (82%)
Maury River	2-4	E.L.	1.2-0.0	Lees Carpet	790.0	425.0 ³	235.0 (30%)
				Glasgow Regional S.T.P.		130.0	
Buffalo River	2-7	E.L.	9.6-0.0	Amherst S.T.P.	150.0	120.0	30.0 (20%)
Rockfish River	2-6	E.L.	9.5-0.0	Schuyler S.T.P.	110.0	25.0	85.0 (77%)
Standardsville Run		E.L.		Standardsville	Land Application Recommended		
South Fork Appomattox River		E.L.		Appomattox Lagoon	Connect to Recommended Facility in Roanoke River Basin		
Buffalo Creek	2-17	E.L.	9.3-7.7	Hampden-Sydney College	46.0	23.0	23.0 (50%)
Unnamed trib. of Tear Wallet Creek		E.L.		Cumberland Courthouse	Land Application Recommended		

Final Regulations

<i>Courthouse Branch</i>		<i>E.L.</i>		<i>Amelia</i>	<i>Land Application Recommended</i>		
<i>Deep Creek</i>	<i>2-17</i>	<i>E.L.</i>	<i>25.0-12.8</i>	<i>Crewe S.T.P.</i>	<i>69.0</i>	<i>55.0</i>	<i>14.0 (20%)</i>

¹ Recommended classification.

² Based on 2020 loads or stream assimilative capacity less 20%.

³ Load allocation based on published NPDES permit.

⁴ Percentages refer to reserve as percent of total assimilative capacity. Minimum reserve for future growth and modeling accuracy is 20% unless otherwise noted.

⁵ Assimilative capacity will be determined upon completion of the ongoing study by Hydrosience, Inc.

Source: Wiley & Wilson, Inc.

TABLE B4 - SEGMENT CLASSIFICATION UPPER JAMES-JACKSON RIVER SUBAREA

<i>Stream Name</i>	<i>Segment Number</i>	<i>Mile to Mile</i>	<i>Stream Classification</i>	<i>Comments</i>
<i>Back Creek</i>	<i>2-1</i>	<i>16.06-8.46</i>	<i>W.Q.</i>	<i>Main Only</i>
<i>Jackson River</i>	<i>2-1</i>	<i>95.70-24.90</i>	<i>E.L.</i>	<i>Main and Tributaries</i>
<i>Jackson River</i>	<i>2-2</i>	<i>24.90-0.00</i>	<i>W.Q.</i>	<i>Main Only</i>
<i>Jackson River</i>	<i>2-2</i>	<i>24.90-0.00</i>	<i>E.L.</i>	<i>Tributaries Only</i>
<i>James River</i>	<i>2-3</i>	<i>349.50-308.50</i>	<i>E.L.</i>	<i>Main and Tributaries</i>
<i>James River</i>	<i>2-3</i>	<i>308.50-279.41</i>	<i>E.L.</i>	<i>Main and Tributaries</i>

TABLE B5 - UPPER JAMES-JACKSON RIVER SUBAREA WASTELOAD ALLOCATIONS BASED ON EXISTING DISCHARGE POINT¹

<i>MAP LOCATION</i>	<i>STREAM NAME</i>	<i>SEGMENT NUMBER</i>	<i>SEGMENT CLASSIFICATION STANDARDS</i>	<i>MILE to² MILE</i>	<i>DISCHARGER</i>	<i>VPDES PERMIT NUMBER</i>	<i>VPDES PERMIT LIMITS BOD₅ kg/day</i>	<i>303(e)³ WASTELOAD ALLOCATION BOD₅ kg/day</i>
<i>1</i>	<i>Jackson River</i>	<i>2-1</i>	<i>E.L.</i>	<i>93.05-</i>	<i>Virginia Trout</i>	<i>VA0071722</i>	<i>N/A</i>	<i>Secondary</i>
<i>B</i>	<i>Warm Springs Run</i>	<i>2-1</i>	<i>E.L.</i>	<i>3.62-0.00</i>	<i>Warm Springs STP</i>	<i>VA0028233</i>	<i>9.10</i>	<i>Secondary</i>
<i>3</i>	<i>Back Creek</i>	<i>2-1</i>	<i>W.Q.</i>	<i>16.06-8.46</i>	<i>VEPCO</i>	<i>VA0053317</i>	<i>11.50</i>	<i>11.50</i>
<i>C</i>	<i>X-trib to Jackson River</i>	<i>2-1</i>	<i>E.L.</i>	<i>0.40-0.0</i>	<i>Bacova</i>	<i>VA0024091</i>	<i>9.10</i>	<i>Secondary</i>
<i>D</i>	<i>Hot Springs Run</i>	<i>2-1</i>	<i>E.L.</i>	<i>5.30-0.00</i>	<i>Hot Springs Reg. STP</i>	<i>VA0066303</i>	<i>51.10</i>	<i>Secondary</i>
<i>E</i>	<i>X-trib to Cascades Creek</i>	<i>2-1</i>	<i>E.L.</i>	<i>3.00-0.00</i>	<i>Ashwood-Healing Springs STP</i>	<i>VA0023726</i>	<i>11.30</i>	<i>Secondary</i>
<i>F</i>	<i>Jackson River</i>	<i>2-1</i>	<i>E.L.</i>	<i>50.36-</i>	<i>U.S. Forest Service Bolar Mountain</i>	<i>VA0032123</i>	<i>1.98</i>	<i>Secondary</i>
<i>G</i>	<i>Jackson River</i>	<i>2-1</i>	<i>E.L.</i>	<i>43.55</i>	<i>U.S. Army COE Morris Hill Complex</i>	<i>VA0032115</i>	<i>1.70</i>	<i>Secondary</i>
<i>H</i>	<i>Jackson River</i>	<i>2-1</i>	<i>E.L.</i>	<i>29.84-</i>	<i>Alleghany County Clearwater Park</i>	<i>VA0027955</i>	<i>5.70</i>	<i>Secondary</i>

Final Regulations

4	Jackson River	2-1	E.L.	25.99	Covington City Water Treatment Plant	VA0058491	N/A	Secondary
5	Jackson River	2-2	W.Q.	24.64-19.03	Westvaco	VA0003646	4,195.00	4,195.00 ⁴
6					Covington City ⁵ Asphalt Plant	VA0054411	N/A	N/A
7					Hercules, Inc ⁶	VA0003450	94.00	94.00
J	Jackson River	2-2	W.Q.	19.03-10.5	Covington STP	VA0025542	341.00	341.00
K	Jackson River			10.5-0.0	Low Moor STP ⁷	VA0027979	22.70	22.70
M					D.S. Lancaster CC ⁸	VA0028509	3.60	3.60
L					Selma STP ⁹	VA0028002	59.00	59.00
10					The Chessie System ¹⁰	VA0003344	N/A	N/A
N					Clifton Forge STP ¹¹	VA0002984	227.00	227.00
11					Lydall ¹²	VA0002984	6.00	6.00
P					Iron Gate STP ¹³	VA0020541	60.00	60.00
8	Paint Bank Branch	2-2	E.L.	1.52	VDGIF Paint Bank Hatchery	VA0098432	N/A	Secondary
I	Jerrys Run	2-2	E.L.	6.72-	VDOT 1-64 Rest Area	VA0023159	0.54	Secondary
AA	East Branch (Sulfer Spring)	2-2	E.L.	2.16	Norman F. Nicholas	VA0078403	0.05	Secondary
BB	East Branch (Sulfer Spring)	2-2	E.L.	1.91-	Daryl C. Clark	VA0067890	0.068	Secondary
9	Smith Creek	2-2	E.L.	3.44-	Clifton Forge Water Treatment Plant	VA0006076	N/A	Secondary
O	Wilson Creek	2-2	E.L.	0.20-0.0	Cliftondale ¹⁴ Park STP	VA0027987	24.00	Secondary
2	Pheasanty Run	2-3	E.L.	0.01-	Coursey Springs	VA0006491	434.90	Secondary
Q	Grannys Creek	2-3	E.L.	1.20-	Craig Spring Conference Grounds	VA0027952	3.40	Secondary
CC	X-trib to Big Creek	2-3	E.L.	1.10-	Homer Kelly Residence	VA0074926	0.05	Secondary
12	Mill Creek	2-3	E.L.	0.16-	Columbia Gas Transmission Corp.	VA0004839	N/A	Secondary
R	John Creek	2-3	E.L.	0.20-	New Castle STP(old)	VA0024139	21.00	Secondary
S	Craig Creek	2-3	E.L.	48.45-36.0	New Castle STP (new)	VA0064599	19.90	Secondary

Final Regulations

T	Craig Creek	2-3	E.L.	46.98-	Craig County Schools McCleary E.S.	VA0027758	0.57	Secondary
DD	Eagle Rock Creek	2-3	E.L.	0.08-	Eagle Rock STP ¹⁵ (Proposed)	VA0076350	2.30	Secondary
U	X-trib to Catawba Creek	2-3	E.L.	0.16	VDMH & R Catawba Hospital	VA0029475	13.60	Secondary
14	Catawba Creek	2-3	E.L.	23.84	Tarmac-Lonestar	VA0078393	0.80	Secondary
FF	Borden Creek	2-3	E.L.	2.00-	Shenandoah Baptist Church Camp	VA0075451	0.88	Secondary
EE	X-trib to Borden Creek	2-3	E.L.	0.36	David B. Pope	VA0076031	0.07	Secondary
V	X-trib to Catawba Creek	2-3	E.L.	3.21-	U.S. FHA Flatwood Acres	VA0068233	0.03	Secondary
W	Catawba Creek	2-3	E.L.	11.54-	Fincastle STP	VA0068233	8.50	Secondary
X	Looney Mill Creek	2-3	E.L.	1.83-	VDOT I-81 Rest Area	VA0023141	0.91	Secondary
Y	X-trib to Stoney	2-3	E.L.	0.57	VDOC Field Unit No. 25 Battle Creek	VA0023523	1.10	Secondary
Z	James River	2-3	E.L.	308.5-286.0	Buchanan STP	VA0022225	27.00	Secondary

TABLE B5 - NOTES:

N/A Currently No BOD⁵ limits or wasteload have been imposed by the VPDES permit. Should BOD⁵ limits (wasteload) be imposed a WQMP amendment would be required for water quality limited segments only.

¹ Secondary treatment levels are required in effluent limiting (E.L.) segments. In water quality limiting (W.Q.) segments quantities listed represent wasteload allocations.

² Ending river miles have not been determined for some Effluent Limited segments.

³ These allocations represent current and original (1977 WQMP) modeling. Future revisions may be necessary based on Virginia State Water Control [Bearded Board] modeling.

⁴ The total assimilative capacity at critical stream flow for this portion of Segment 2-2 has been modeled and verified by Hydrosience, Inc. (March 1977) to be 4,914 kg/day BOD₅

⁵ The discharge is to an unnamed tributary to the Jackson River at Jackson River mile 22.93.

⁶ The discharge is at Jackson River mile 19.22.

⁷ The discharge is to the mouth of Karnes Creek, a tributary to the Jackson River at Jackson River mile 5.44.

⁸ The discharge is at Jackson River mile 6.67.

⁹ The discharge is at Jackson River mile 5.14.

¹⁰ The discharge is at Jackson River mile 4.72.

¹¹ The discharge is at Jackson River mile 3.46.

¹² The discharge is at Jackson River mile 1.17

¹³ The discharge is at Jackson River mile 0.76

¹⁴ The discharge is to the mouth of Wilson Creek, a tributary to the Jackson River at Jackson River mile 2.44.

¹⁵ The discharge is to the mouth of Eagle Rock Creek, a tributary to the Jackson River at Jackson River mile 330.35.

Final Regulations

TABLE B6 - RICHMOND CRATER INTERIM WATER QUALITY MANAGEMENT PLAN STREAM CLASSIFICATIONS - JAMES RIVER BASIN

SEGMENT	SEGMENT NUMBER	MILE TO MILE	CLASSIFICATION
USGS HUC02080206 James River	2-19	115.0-60.5	W.Q.
USGS HUC02080207 Appomattox	2-23	30.1-0.0	W.Q.

TABLE B6- * Note: A new stream segment classification for the Upper James Basin was adopted in 1981. The SWCB will renumber or realign these segments in the future to reflect these changes. This Plan covers only a portion of these segments.

TABLE B7 - RICHMOND CRATER INTERIM WATER QUALITY MANAGEMENT PLAN- CURRENT PERMITTED WASTE LOADS (March 1988)

	SUMMER (June-October)						WINTER (November-May)					
	FLOW (mgd)	BOD ₅		NH ₃ -N ¹		DO ² (mg/l)	FLOW (mgd)	BOD ₅		NH ₃ -N ¹		DO ² (mg/l)
		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)			(lbs/d)	(mg/l)	(lbs/d)	(mg/l)	
City of Richmond STP ³	45.00	3002	8.0	-	-	-	45.00	5367		-	-	-
E.I. DuPont-Spruance	8.68	936	-	-	-	-	8.68	936	-	-	-	-
Falling Creek STP	9.00	1202	16.0	-	-	5.9	9.00	2253	30.0	-	-	5.9
Proctor's Creek STP	6.40	1601	30.0	-	-	5.9	11.80	2952	30.0	-	-	5.9
Reynolds Metals Company	0.39	138	-	7	-	-	0.39	138	-	7	-	-
Henrico STP	30.00	3005	12.0	-	-	5.9	30.00	7260	29.0	-	-	5.9
American Tobacco Company	1.94	715	-	-	-	-	1.94	716	-	-	-	-
ICI Americas, Inc.	0.20	152	-	-	-	-	0.20	152	-	-	-	-
Phillip Morris- Park 500	1.50	559	-	-	-	-	1.50	557	-	-	-	-
Allied (Chesterfield)	51.00	1207	-	-	-	-	51.00	1207		-	-	-
Allied (Hopewell)	150.00	2500	-	-	-	-	150.00	2500	-	-	-	-
Hopewell Regional WTF	34.08	12507	44.0	-	-	4.8	34.08	12507	44.0	-	-	4.8
Petersburg STP	15.00	2804	22.4	-	-	5.0	15.00	2804	22.4	-	-	5.0
TOTAL	353.19	30328					358.59	39349				

¹ NH₃-N values represent ammonia as nitrogen.

² Dissolved oxygen limits represent average minimum allowable levels.

³ Richmond STP's BOD₅ is permitted as CBOD₅

TABLE B7 - WASTE LOAD ALLOCATIONS FOR THE YEAR 1990

	SUMMER (June-October)						WINTER (November-May)				
	FLOW (mgd)	CBOD ₅		NH ₃ -N ^{1,3}		DO ² (mg/l)	CBOD ₅		NH ₃ -N ¹		DO ² (mg/l)
		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)	
City of Richmond STP	45.00	3002	8.0	2403	6.4	5.6	5367	14.3	5707	15.2	5.6
E.I. DuPont-Spruance	11.05	948		590		4.4	948		756		2.9
Falling Creek STP	10.10	1348	16.0	539	6.4	5.9	2023	24.0	1281	15.2	5.9

Final Regulations

Proctor's Creek STP	12.00	1602	16.0	961	9.6	5.9	2403	24.0	1402	14.0	5.9
Reynolds Metals Co.	0.49	172		8		6.5	172		8		6.5
Henrico STP	30.00	3002	12.0	2403	9.6	5.6	4756	19.0	3504	44.0	5.6
American Tobacco Co.	2.70	715		113		5.8	715		113		5.8
ICI Americas, Inc.	0.20	167		8		5.8	167		8		3.1
Phillip Morris- Park 500	2.20	819		92		4.6	819		92		4.6
Allied (Chesterfield)	53.00	1255		442		5.7	1255		442		5.7
Allied (Hopewell)	165.00	2750		10326		6.1	2750		10326		6.1
Hopewell Regional WTF	34.07	12502	44.0	12091	36.2	4.8	12502	44.0	10291	36.2	4.8
Petersburg STP	15.00	2802	22.4	801	6.4	5.0	2802	22.4	2028	16.2	5.0
TOTAL	380.81	31084		28978			36679	35958			

¹ NH₃-N values represent ammonia as nitrogen.

² Dissolved oxygen limits represent average minimum allowable levels.

³ Allied (Hopewell) allocation may be redistributed to the Hopewell Regional WTF by VPDES permit.

TABLE B7- WASTE LOAD ALLOCATION FOR THE YEAR 2000

	SUMMER (June-October)						WINTER (November-May)				
	FLOW (mgd)	CBOD ₅		NH ₃ -N ^{1,3}		DO ² (mg/l)	CBOD ₅		NH ₃ -N ¹		DO ² (mg/l)
		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)	
City of Richmond STP	45.08	3002	8.0	2403	6.4	5.6	5367	14.3		15.2	5.6
E.I. DuPont-Spruance	196.99	948		590		4.4	948		756		2.9
Falling Creek STP	10.10	1348	16.0	539	6.4	5.9	2023	24.0	1281	15.2	5.9
Proctor's Creek STP	16.80	1602	11.4	961	6.9	5.9	2403	17.1	1402	10.0	5.9
Reynolds Metals Co.	0.78	172		13		6.5	172		13		6.5
Henrico STP	32.80	3002	11.0	2403	8.8	5.6	4756	17.4	3504	12.8	5.6
American Tobacco Co.	3.00	715		113		5.8	715		113		5.8
ICI Americas, Inc.	0.20	167		8		5.8	167		8		3.1
Phillip Morris- Park 500	2.90	819		92		4.6	819		92		4.6
Allied (Chesterfield)	56.00	1255		442		5.7	1255		442		5.7
Allied (Hopewell)	170.00	2750		10326		6.1	2750		10326		6.1
Hopewell Regional WTF	36.78	12502	40.7	12091	33.5	4.8	12502	40.7	10291	33.5	4.8
Petersburg STP	15.00	2802	22.4	801	6.4	5.0	2802	22.4	2028	16.2	5.0
TOTAL	406.43	31084		28982			36679		35963		

¹ NH₃-N values represent ammonia as nitrogen.

² Dissolved oxygen limits represent average minimum allowable levels.

³ Allied (Hopewell) allocation may be redistributed to the Hopewell Regional WTF by VPDES permit.

TABLE B7- WASTE LOAD ALLOCATIONS FOR THE YEAR 2010

	SUMMER (June-October)						WINTER (November-May)					
	FLOW (mgd)	CBOD ₅		NH ₃ -N ^{1,3}		DO ² (mg/l)	CBOD ₅		NH ₃ -N ¹		DO ² (mg/l)	
		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)		(lbs/d)	(mg/l)	(lbs/d)	(mg/l)		
City of Richmond STP	45.86	3002	7.8	2403	6.3	5.6	5367	14.0		14.9	5.6	
E.I. DuPont-Spruance	16.99	948		590		4.4	948		756		2.9	
Falling Creek STP	10.10	1348	16.0	539	6.4	5.9	2023	24.0	1281	15.2	5.9	
Proctor's Creek STP	24.00	1602	8.0	961	4.8	5.9	2403	12.0	1402	7.0	5.9	
Reynolds Metals Co.	0.78	172		13		6.5	172		13		6.5	
Henrico STP	38.07	3002	9.5	2403	7.6	5.6	4756	15.0	3504	11.0	5.6	
American Tobacco Co.	3.00	715		113		5.8	715		113		5.8	
ICI Americas, Inc.	0.20	167		8		5.8	167		8		3.1	
Phillip Morris- Park 500	2.90	819		92		4.6	819		92		4.6	
Allied (Chesterfield)	56.00	1255		442		5.7	1255		442		5.7	
Allied (Hopewell)	180.00	2750		10326		6.1	2750		10326		6.1	
Hopewell Regional WTF	39.61	12502	37.8	[12094 10291]	31.1	4.8	12502	37.8	10291	31.1	4.8	
Petersburg STP	15.00	2802	22.4	801	6.4	5.0	2802	22.4	2028	16.2	5.0	
TOTAL	432.1	31084		28982			36679		35963			

¹ NH₃-N values represent ammonia as nitrogen.

² Dissolved oxygen limits represent average minimum allowable levels.

³ Allied (Hopewell) allocation may be redistributed to the Hopewell Regional WTF by VPDES permit.

9 VAC 25-720-70. Rappahannock River Basin.

A. Total maximum Daily Load (TMDLs).

B. Stream segment classifications, effluent limitations including water quality based effluent limitations, and waste load allocations.

9 VAC 25-720-70 Rappahannock Area Development Commission (RADCO) 208 Area Wide Waste Treatment Management Plan And Potomac-Shenandoah River Basin 303(e) Water Quality Management Plan is included in The Potomac River Basin section.

9 VAC 25-720-80. Roanoke River Basin.

A. Total maximum Daily Load (TMDLs).

B. Stream segment classifications, effluent limitations including water quality based effluent limitations, and waste load allocations.

TABLE B1 - STREAM SEGMENT CLASSIFICATION

Classification	Segment description
WQMA IV	
	E All tributaries to the Roanoke River not previously classified in the WQMA.
WQMA V	
	E Roanoke River and all tributaries in this WQMA.
WQMA VI	

Final Regulations

	WQ	Ash Camp Creek.
	EL	Twittys Creek.
	E	Roanoke Creek to include all tributaries not previously classified in the WQMA.
WQMA VII		
	WQ	Banister River from /confluence of Polecat Creek to confluence of Dan and Banister Rivers (River only).
	EL	Dan River from confluence Miry Creek to backwaters of Kerr Reservoir (River only).
	WQ	Kerr Reservoir.
	WQ	Little Bluestone Creek.
	WQ	Butcher Creek
	WQ	Flat Creek.
	E	All tributaries to Kerr Reservoir, Dan River and Banister River not previously classified in this WQMA.
	E	Roanoke River from confluence Clover Creek to [backwaters headwaters] of Kerr Reservoir.
	E	All tributaries to the Roanoke River in this WQMA not previously classified.
WQMA VIII		
	[E	Hyco River from the NC-VA, State Line to its confluence with the Dan River to include all tributaries.]
WQMA IX		
	E	Banister River through this WQMA
	EL	Georges Creek.
	EL	Cherrystone Creek.
	E	All tributaries to the Banister River not previously classified in this WQMA.
WQMA X		
	E	Dan River from NC-VA State Line to one mile above the confluence of Sandy River (River only).
	E	Sandy River to include all tributaries.
	WQ	Dan River from one mile above confluence of Sandy River to NC-VA line.
	E	Dan River from NC-VA line to confluence Miry Creek
	E	All tributaries to the Dan River in Virginia not previously classified in this WQMA.
WQMA XII		
	E	Smith River from its headwaters to Philpot Dam.
	WQ	Smith River from Philpott Dam to the NC-VA State Line.
	EL	Marrowbone Creek.
	EL	Leatherwood Creek.
	E	All tributaries to the Smith River not previously classified in this WQMA.
WQMA XIII		
	E	North Mayo River from its headwaters to the NC-VA State Line to include all tributaries.
WQMA XIV		
	E	Headwaters South Mayo River to confluence North Fork South Mayo River.
	EL	South Mayo River from confluence with North Fork to NC-VA Line.
	E	All tributaries of the South Mayo River not previously classified in this WQMA.

Final Regulations

WQMA XV		
	E	All streams in this WQMA.

Source: Hayes, Seay, Mattern & Mattern

[TABLE B2 - SEWERAGE SERVICE AREAS

NPDES Limits³

SSA ⁴	Municipality	Receiving Stream Classification ²	Flow (mgd)	BOD ₅ (lbs/day)	SS (lbs/day)	Status of Applicable ⁴ Section 201 Programs (May, 1976)
G	Altavista	EL	0.56	224	224	Construction to begin July, 1976 Estimated completion April, 1977
K	Appomattox	EL	0.1	*30/50	*30/50	Step I to be submitted in Fiscal Year 1976
		EL	0.084	34	34	
BB	Bassett		Not applicable ⁵			To be served by Henry County Regional Plant
E	Bedford	E	1.5	275	275	Construction completed in June 1974
A	Blacksburg	EL	0.04	*12/20	*12/20	Pump to Struble's Creek in New River Basin
		WQ	0.4	80	80	Step II to be submitted Summer 1976
D	Boones Mill		Required Permit to be issued ⁶			Step II grant application submitted
W	Boydton	E	0.8	320	320	Step I-II to be submitted Fiscal Year 1976
X	Brodnax		Not applicable ⁵			To be served by South Hill
J	Brookneal	EL	0.078	31	31	No grant application yet submitted
		EL	0.082	33	33	
M	Charlotte Courthouse		Required Permit to be issued ⁶			Continue use of existing community septic tank system; to be rated for grant in Fiscal Year 1977
U	Chase City	WQ	0.1	*30/50	*30/50	No grant application yet submitted
		WQ	0.28	112	112	
Z	Chatham	EL	0.54	522	400	Step I to be submitted in Fiscal Year 1976
V	Clarksville	WQ	0.35	380	292	No grant application yet submitted
Q	Clover		Not applicable ⁵			To be served by South Boston
BB	Collinsville	EL	0.95	*285/475	*285/475	STP to be abandoned and area served by Henry County Regional Plant
AA	Danville (2 plants)	WQ	24.0	4203	4203	Construction completed in Spring 1976
		WQ	15.0	2127	3735	
N	Drakes Branch	EL	0.0575	75	58	Step I to be submitted Fiscal Year 1976
A	Ellet		Not applicable ⁵			

Final Regulations

B	Elliston		Not applicable ⁵			
DD	Ferrum	WQ	0.25	50	50	No grant application yet submitted
BB	Fieldale		Not applicable ⁵			To be served by Henry County Regional Plant
Y	Grotna	EL	0.153	61	61	No grant application yet submitted
R	Halifax		0.15	195	150	To be served by South Boston; Step I for connector awarded in Fiscal Year 1975
BB	Henry County Regional Plant		Required permit to be issued ⁶ (4.0 — 567 — 567)			Construction to begin April 1976 Estimated completion April 1977
G	Hurt		Not applicable ⁵			To be served by Altavista
B	Ironto		Not applicable ⁵			No grant application yet submitted
P	Keysville	WQ	0.09	27	27	Step I to be submitted Fiscal Year 1976
X	LaCrosse	WQ	0.072	29	29	To be served by South Hill
		WQ	0.04	16	16	
B	Lafayette		Required permit to be issued ⁶			Step I to be submitted Fiscal Year 1976
BB	Martinsville	EL	4.0	5603	3536	Construction to begin April 1976 Estimated completion June 1977
G	Motley		Not Applicable ⁵			Continue use of individual septic tanks
L	Pamplin City		Not Applicable ⁵			No grant application yet submitted
CG	Patrick Springs		Not Applicable ⁵			Continue use of individual septic tanks
C	Roanoke	WQ	28.0	3503	4904	Construction completed in Fall 1976
EE	Rocky Mount	E	0.8	*240/400	*240/400	No grant application yet submitted
H	Rustburg	WQ	0.156	62	62	Step III submitted; construction to begin Summer 1976
S	Scottsburg		Not Applicable ⁵			To be served by South Boston; Step 1 for connection to be submitted Fiscal Year 1976
B	Shawsville	EL	0.1	25	25	Construction completed in October 1975
R	South Boston	EL	1.3	1410	1410	Construction completed in December 1976
X	South Hill	E	.012	48	48	Construction to begin Fall 1976
		E	0.384	154	154	
		E	.33	275	165	
BB	Stanleytown					To be served by Henry County Regional Plant
CG	Stuart		Required Permit to be issued ⁶ (0.30 — 130 — 47.5)			Construction completed March 1976
F	Timberlake		Not Applicable ⁵			To be served by Lynchburg in James River Basin

Final Regulations

G	Vinton		0.6	180	180	To be served by Roanoke Regional Plant
T	Virgilina		Not Applicable ⁵			No grant application yet submitted

¹Sewerage Service Areas (SSA) shown on Plate II.

²Effluent Limiting (EL) or Water Quality (WQ).

³For existing sewage treatment facility.

⁴For new Sewage treatment facility.

⁵No existing or future sewage treatment plant planned, wastes to be transferred to other sewerage service areas.

⁶No existing discharge but new sewage treatment plant is under construction or planned.

*Seasonal NPDES allowable loading: April to September/October to March.

Step III construction grant funded.

Source: Haynes, Seay, Mattern & Mattern.]

[TABLE B2 - SEWERAGE SERVICE AREAS - WASTELOAD ALLOCATIONS FOR ROANOKE RIVER BASIN WATER QUALITY MANAGEMENT PLAN.

Water Quality Management Area (WQMA)	Study Area Name	Discharger	Stream Name	Segment Classification	303(e)Wasteload Allocation BOD ₅ lbs/day
WQMA IV	Appomattox	Appomattox STP	Falling R.	EL	100.00
WQMA IV	Brookneal	Brookneal STP and Dan River, Inc. -Brookneal	Roanoke R.	EL	1381.20
WQMA IV	Rustburg	Rustburg STP	Molleys Cr.	WQ	17.94
WQMA VI	Drakes Branch	West Point Stevens - Drakes Branch	Twittys Cr.	EL	27.82
WQMA VII	Clarksville	Chase City Regional STP	Little Blue Stone Cr.	WQ	N/A 1
WQMA VII	Chase City-Boydton	Boydton	Coleman Cr.	EL	N/A1
		Clarksville STP	Kerr Reservoir	WQ	131.00
		Burlington Industries-Clarksville	Kerr Reservoir	WQ	1793.00
WQMA VII	South Boston	South Boston STP	Dan River	WQ	1854.00
	Halifax-Scottsburg	Halifax STP, Halifax Cotton Mills, Burlington Ind. - Halifax and Scottsburg STP	Banister R.	WQ	584.84
	Clover	Clover	Clover Cr.	EL	8.76
WQMA VII	South Hill - Lacrosse - Broadnax	South Hill, Lacrosse and Broadnax	Flat Cr.	WQ	N/A1
WQMA VII	Virgilina	Virgilina	X-Trib. To Wolfpit Run	EL	13.00
WQMA IX	Chatham-Gretna	Chatham-Gretna	Cherrystone Cr.	EL	125.22
			Georges Cr.	EL	100.00
WQMA X	Dan River	Danville and US Gypsum	Dan R.	WQ	4407.00

Final Regulations

WQMA X	Dan River, Inc.	WILL DISCHARGE PROCESS WATER TO THE CITY OF DANVILLE STP			
WQMA XII	Smith R.	Henry County PSA-Upper Smith R. STP	Smith R.	WQ	567.00
		Collinsville STP Fieldcrest Mills	CONNECTED TO UPPER SMITH R. STP CONNECTED TO UPPER SMITH R. STP		
		E.I. duPont	Smith R.	WQ	503.00
		Martinsville STP	Smith R.	WQ	1500.00
		Henry County PSA-Lower Smith R. STP	Smith R.	WQ	567.00
WQMA XIV	Stuart-Patrick Springs	Stuart STP	S. Mayo R.	EL	141.90
		United Elastic Patrick Springs	S. Mayo R.	EL	8.38
WQMA XIV	NONE	United Elastic Woolwine	Smith R.	EL	192.00

TABLE B3 - WASTELOAD ALLOCATIONS FOR DISCHARGERS WITH TIERED PERMITS ROANOKE RIVER BASIN WATER QUALITY MANAGEMENT PLAN.

Water Quality Management Area (WQMA)	Study Area Name	Discharger	Months	Effluent Flow (mgd)	D.O. (mg/l)	CBOD5 (lbs/day)	BOD ₅ (mg/l)	Ammonia (mg/l)	Total Kjeldahl Nitrogen (mg/l)
WQMA VI	Keysville	Keysville	Dec.-Apr. May-Nov.	0.500 0.500	5.0 5.0	104.32 70.94	25.01 17.01	1.4	4.0
WQMA VII	South Hill- Lacrosse- Broadnax	South Hill	Jan.-Feb.- March Apr.-May June-Sept Oct. Nov. Dec.	1.000 1.000 1.000 1.000 1.000 1.000	6.5 6.5 6.5 6.5 6.5 6.5	250.00 83.0 75.00 83.00 142.00 250.00	30.0 10.0 9.0 10.0 17.0 30.0	20.0 1.0 1.0 1.0 5.0 20.0	
WQMA VII	Clarksville Chase City Boydton	Boydton	May-Nov. Dec.-Apr.	0.360 0.360	5.0 5.0	39.1 75.1	13.01 25.01		3.0
WQMA VII	Clarksville- Chase City- Boydton	Chase City	May-Nov. Dec.-Apr.	0.600 0.600	6.0 7.0	65.04 125.22	13.01 25.01	1.8 3.4	4.2 8.8

NOTES:

¹CBOD₅ (CBOD₅/BOD₅=25/30).]

Final Regulations

TABLE [~~B3~~ B4]- SEGMENT CLASSIFICATION - STANDARDS UPPER ROANOKE RIVER SUBAREA
HUC CODE 03010101

[303(e)]		Stream]		
Stream Name	[303(e)] Segment Number	Mile to Mile	[Stream] Classification	Comments
N.F. Roanoke River	4A-1	30.80 to 0.00	E.L.-P	Main and tributaries.
S.F. Roanoke River	4A-1 16.60 to 0.00 E.L.-P Main and tributaries.	16.60 to 0.00	E.L.-P W.Q.-FC	Main and tributaries. Main only.
Roanoke River	4A-2	227.74 to 202.20	W.Q.-DO,P	Main only to 14th Street Bridge.
Peters Creek	4A-2	8.00 to 0.00	W.Q.-DO,P	Main only.
Roanoke River	4A-2	202.20 to 195.87	W.Q.-DO,P	Main to confluence with Prater Creek.
Tinker Creek	4A-2	19.40 to 0.00	W.Q.-DO,P,FC	Main only.
[Back Beck] Creek	4A-2	25.70 to 0.00	E.L.-P	Main and tributaries.
Roanoke River	4A-2	195.87 to 158.20	W.Q.- DO,P	Main and impounded tributaries (impounded portions only) to Smith Mtn. Dam.
Other tributaries to the Roanoke River	4A-2	227.74 to 158.20	E.L.-P	Tributaries only.
Blackwater River	4A-3	58.80 to 19.75	E.L.-P	Main and tributaries.
Blackwater River	4A-3	19.75 to 0.00	W.Q.-DO,P	Main and impounded tributaries(impounded portions only) to mouth of Blackwater River.
Other tributaries to the Blackwater River	4A-3	58.80 to 0.00	E.L.-P	Tributaries only.
Pigg River	4A-4	79.80 to 58.00	E.L.	Main and tributaries from the headwaters to the confluence with Furnace Creek - except Story Creek.
Storey Creek	4A-4	10.30 to 0.00	W.Q.-DO	Main Only.
Pigg River	4A-4	58.00 to 47.60	W.Q.-DO	Main only from Furnace Creek to the confluence with Powder Mill Creek.
Pigg River	4A-4	47.60 to 0.00	E.L.	Main and tributaries.
Roanoke River	4A-5	158.20 to 140.54	E.L.	Main and tributaries. (Leesville Lake)
Goose Creek	4A-5	39.30 to 0.00	E.L.	Main and tributaries.
Little Otter River	4A-5	17.15 to 14.36	E.L.	Main and tributaries to confluence with Johns Creek.
Johns Creek	4A-5	4.00 to 0.00	W.Q.-DO	Main only.

Final Regulations

<i>Little Otter River</i>	4A-5	14.36 to 0.00	W.Q.-DO	<i>Main only from confluence with Johns Creek to Big Otter River.</i>
<i>Big Otter River</i>	4A-5	42.68 to 0.00	E.L.	<i>Main and tributaries.</i>
<i>Roanoke River</i>	4A-5	140.54 to 123.79	E.L.	<i>Main and tributaries.</i>

Legend:

DO = Dissolved Oxygen

P = Phosphorus

FC = Fecal Coliform

T = Temperature

TABLE [B4 B5] - WASTELOAD ALLOCATIONS BASED ON EXISTING DISCHARGE POINT 1 UPPER ROANOKE RIVER
SUBAREA
HUC 03010101

MAP LOCATION	STREAM NAME	SEGMENT NUMBER	SEGMENT CLASSIFICATION STANDARDS	MILE to MILE	DISCHARGER	VPDES PERMIT NUMBER	VPDES PERMIT LIMITS BOD ₅ ⁴ kg/day	303(e) 3/ WASTELOAD ALLOCATION BOD ₅ ⁴ kg/day	TOTAL MAXIMUM DAILY LOAD W.Q. SEGMENTS BOD ₅ ⁴ kg/day
A	S.F. Roanoke R.	4A-1	E.L.-P WQ-FC	6.33-	Montgomery County PSA Shawsville STP	VA0024031	11.40	Secondary	
B	S.F. Roanoke R.	4A-1	E.L.-P	0.76-	Montgomery County PSA Elliston-Lafayette STP	VA0062219	28.00	Secondary	
C	X-trib to N.F. Roanoke R.	4A-1	E.L.-P	0.25-	Lonnie J. Weddle Residence	VA0073229	0.03	Secondary	
D	X-trib to N.F. Roanoke R.	4A-1	E.L.-P	0.25-	James Luther Residence	VA0073237	0.05	Secondary	
E	N.F. Roanoke R.	4A-1	E.L.-P	17.57-	Blacksburg Country Club, Inc.	VA0027481	4.00	Secondary	
1	Cedar Run	4A-1	E.L.-P	2.64-0.46-	Wolverine Gasket Co., Inc	VA0052825	N/A	Secondary	
F	Cedar Run	4A-1	E.L.-P	0.40-	Wendell Hensley Residence	VA0066737	0.07	Secondary	
G	X-trib to Cedar Run	4A-1	E.L.-P	0.20-	Ivan Gary Bland Residence	VA0077488	0.05	Secondary	
H	Cedar Run	4A-1	E.L.-P	0.46-	Velma D. Compton Residence	VA0080021	0.06	Secondary	
2	N.F. Roanoke R.	4A-1	E.L.-P	15.21-	Federal Mogal, Inc.	VA0001619	N/A	Secondary	
I	N.F. Roanoke R.	4A-1	E.L.-P	0.76-	VDOT-I-81 Ironto Rest Area	VA0060941	2.80	Secondary	

Final Regulations

3	X-trib to Roanoke R.	4A-2	E.L.-P	1.04-	Salem Stone Corp.	VA0006459	N/A	Secondary	
4	Roanoke R.	4A-2	W.Q.-DO,P	218.13-	Roanoke Electric Steel Salem Plant	VA0001333	N/A	N/A	N/A
5	Roanoke R.	4A-2	W.Q.-DO,P	216.33-	[Roanoke Electric Steel Salem Plant Koppers Co. Inc.]	VA0001341	N/A	N/A	N/A
6	Snyders Br.	4A-2	E.L.P	0.17-	Graham White Mfg., Inc.	VA0030031	N/A	Secondary	
7	Bowmans's Br.	4A-2	E.L.P.	0.20-	Mechanical Development Co., Inc.	VA002311	N/A	Secondary	
8	Roanoke R.	4A-2	W.Q-DO,P	212.61-	Rowe Furniture Corp., Inc.	VA0024716	N/A	N/A	N/A
9	Roanoke R.	4A-2	W.Q.L.-DO,P	212.39-	Valleydale Packers, Inc.	VA0001317	N/A	N/A	N/A
J	X-trib to Mason Cr.	4A-2	E.L.P.	0.21	Gary L. Bryant Residence	VA0063398	0.07	Secondary	
K	Mason Cr.	4A-2	E.L.P.	0.30-	Roanoke County Schools Mason Cove E.S.	VA0027545	0.45	Secondary	
L	Mason Cr.	4A-2	E.L.P.	7.79-	Roanoke Moose Lodge 284	VA00 77895	0.53	Secondary	
M	Gish Br.	4A-2	E.L.P.	1.80-	Eddie Miller [Residence]	VA0076759	0.06	Secondary	
10	Roanoke R.	4A-2	W.Q.-DO,P	209.58-	Virginia Plastics Co., Inc.	VA0052477	N/A	N/A	N/A
10	X-trib to Mud Lick	4A-2	E.L.P.	0.47-	Virginia Plastics Co., Inc.	VA002477	2.70	Secondary	
11	Peters Cr.	4A-2	W.Q.-DO,P	0.26-	Roanoke Electric Steel Roanoke Plant	VA0001589	N/A	N/A	N/A
12	Roanoke R.	4A-2	W.Q.-DO,P	207.60-	Fuel Oil & Equipment Co., Inc.	VA0001252	N/A	N/A	N/A
13	Roanoke R.	4A-2	W.Q.-DO,P	207.24	Norfolk & Western Railways Co., Inc.-Schaffers Crossing	VA0001597	N/A	N/A	N/A

Final Regulations

13	Horton Cr.	4A-2	E.L.P.	0.41-	Norfolk & Western Railways Co., Inc.- Schaffers Crossing	VA0001597	N/A	Secondary	
N	Roanoke	4A-2	W.Q.-DO,P	201.81-	Roanoke City Regional STP	VA0025020	[662.00 1173.00]	[757.40 1173.00]	[927.72 1352.00]
14	Carvin Cr.	4A-2	E.L.-P.	5.77-	Roanoke City Carvin Cove	VA0001473	N/A	Secondary	
15	Carvin Cr.	4A-2	E.L.-P.	4.98-	ITT Electro-Optical Products Division	VA0020443	N/A	Secondary	
16	Tinker Cr	4A-2	W.Q.-DO,P,FC	5.17	Elizabeth Arden, Inc.	VA0001635	N/A	N/A	N/A
17	Tinker Cr	4A-2	W.Q.-DO,P,FC	1.45	Exxon Company, USA, Inc.	VA0079006	N/A	N/A	N/A
18	Lick Run	4A-2	E.L.-P.	3.51-	Norfolk & Western Railways Co., Inc.- Schaffers Crossing	VA0001597	N/A	Secondary	
18	Lick Run	4A-2	E.L.-P.	1.12-	Norfolk & Western Railways Co., Inc.- East End Shops	VA0001511	N/A	Secondary	
O	X-trib to Glade Cr	4A-2	E.L.-P.	1.60-	R.W. Bowers Commerical	VA0068497	0.06	Secondary	
P	X-trib to Glade Cr	4A-2	E.L.-P.	1.24-	Geraldine B. Carter Residence	VA0076546	0.06	Secondary	
Q	Coyner Spring Br.	4A-2	E.L.-P.	0.50-	Roanoke City-Coyner Springs [STP]	VA0021121	0.80	Secondary	
R	Back Cr.	4A-2	E.L.-P.	16.14-	Roanoke Sanitary Disposal Corp.- Starkey STP	VA0027103	45.40	Secondary	
19	[E.L.P. -Back Cr.]	4A-2	E.L.-P.	1.48-	Shell Oil Co., Inc.	VA0001431	N/A	Secondary	
S	X-trib to Back Cr.	4A-2	E.L.-P.	1.00-	Suncrest Development Co., Inc.- Suncrest Heights STP	VA0028711	2.30-	Secondary	
20	Falling Cr.	4A-2	E.L.-P.	7.70-	Roanoke City- Falling Cr. WTP	VA0001465	N/A	Secondary	

Final Regulations

T	X-trib to Falling Cr.	4A-2	E.L.-P.	0.32-	Oak Ridge Mobile Home Park	VA0078392	3.40	Secondary	
U	Nat Branch	4A-2	E.L.-P.	0.59-	Bedford County Schools Stewartsville E.S.	VA0020842	0.50	Secondary	
V	Roanoke R.	4A-2	W.Q.-DO,P	182.76-	L. Jack & Vicki S. Browning Residence	VA0067229	0.07	0.07	170.07
W	X-trib to Little Cr.	4A-2	E.L.-P.	0.16-	Robert R. Walter Residence	VA0074004	0.05	Secondary	
X	X-trib to Teals Cr.	4A-3	E.L.-P.	0.96-	Franklin County Schools Boones Mill E.S.	VA0060291	.50	Secondary	
21	Blackwater R.	4A-3	E.L.-P.	40.05-	Rocky Mount Town Blackwater R. WTP	VA0055999	N/A/	Secondary	
Y	Blackwater R.	4A-3	E.L.-P.	38.95-	Franklin Manor Home for Adults	[VA0067555 VA0067555]	1.70	Secondary	
Z	X-trib to Blackwater R.	4A-3	E.L.-P.	1.15-	Franklin County Schools [Rocky Mount E.S.]	VA0060283	0.80	Secondary	
AA	X-trib to Maggodee Cr.	4A-3	E.L.-P.	0.28-	Boones Mill Town- Sand Filter	VA0078401	0.50	Secondary	
AB	Maggodee Cr.	4A-3	E.L.-P.	14.51	Boones Mill Town STP	VA0067245	3.40	Secondary	
AC	Roanoke R.	A-5	E.L.-P.	158.09-	APCO- SML Dam Visitors Center	VA0074179	0.57	Secondary	
AD	Roanoke R.	4A-5	E.L.-P.	157.49-	APCO- SML Dam Picnic Area	VA0074217	0.57	Secondary	
AE	Storey Cr.	4A-4	W.Q.-DO	9.78-	Ferrum Water & Sewage Authority Ferrum STP	VA0029254	14.20	14.20	14.60
23	X-trib to Pigg R.	4A-4	[W.Q.-DO E.L.]	1.28-	The Lane Company- Rocky Mount Plant	VA0098438	N/A	Secondary	
22	Pigg R.	4A-4	W.Q.-DO	57.24-	Ronile, Inc.	VA0076015	14.80	14.80	34.98
AF	Pigg R.	4A-4	W.Q.-DO	56.72-	Rocky Mt. Town Existing STP	VA0023728	133.00	[133.00]	[153.18]

Final Regulations

				52.68-	Rocky Mt. Town Proposed STP	VA0085952	[433.00]	[133.00]	
24	X-trib to Powder Mill Cr.	4A-4	E.L.	1.64-	Rocky Top Wood Preservers Inc.	VA0080071	N/A	Secondary	
AG	Willow Cr.	4A-4	E.L.	1.30-	Town & Country Subdivision	VA0028657	4.50	Secondary	
25	S.F. Goose Cr.	4A-5	E.L.	6.77-	Blue Ridge Stone Corp.- Blue Ridge Plant	VA0050636	N/A	Secondary	
AH	X-trib to Goose Cr.	4A-5	E.L.	0.66-	Woodhaven Village, Inc.	VA0074870	0.50	Secondary	
26	X-trib to Goose Cr.	4A-5	E.L.	0.08	Conoco, Inc.	VA0055328	N/A	Secondary	
27	S.F. Goose Cr.	4A-5	E.L.	2.58-	Chevron USA, Inc.	VA0026051	N/A	Secondary	
28	X-trib to Goose Cr.	4A-5	E.L.	0.20-	Phillips Petroleum Co., Inc.	VA0051446	N/A	Secondary	
29	X-trib to Goose Cr.	4A-5	E.L.	0.04-	Amoco Oil Co., Inc.	VA0054577	N/A	Secondary	
29	X-trib to Goose Cr.	4A-5	E.L.	0.06-	Amoco Oil Co., Inc.	VA0054577	N/A	Secondary	
29	X-trib to Goose Cr..	4A-5	E.L.	0.14-	Amoco Oil Co., Inc.	VA0054577	N/A	Secondary	
30	S.F. Goose Cr.	4A-5	E.L.	2.30-	Colonial Pipeline Co., Inc.	VA0051721	N/A	Secondary	
AI	X-trib to [N.F.] Goose Cr..	4A-5	E.L.	0.20-	Bedford County Schools- Montvale E.S.	VA0066206	[N/A 0.42]	Secondary	
31	S.F. Goose Cr.	4A-5	E.L.	2.18-	Texaco, Inc.	VA0001490	N/A	Secondary	
AJ	X-trib to Day Cr.	4A-5	E.L.	1.79-	Camp Virginia Jaycee Inc.	VA0060909	[N/A 1.70]	Secondary	
AK	X-trib to Reed Cr.	4A-5	E.L.	0.84-	Robincrest Mobile Home Park	VA0078413	[N/A 2.70]	Secondary	
AL	X-trib to Wolf Cr.	4A-5	E.L.	0.95	Bedford County Schools Thaxton E.S.	VA0020869	[N/A 0.30]	Secondary	
AM	X-trib to Shoulder Run	4A-5	E.L.	0.95-	Bedford County Schools- Staunton River H.S.	VA0068063	[N/A 2.90]	Secondary	

Final Regulations

AN	Goose Cr.	4A-5	E.L.	19.55-	Camp Tipacano Inc.	[VA0023515 VA00235155]	[N/A 1.10]	Secondary	
AO	Mattock Cr.	4A-5	E.L.	3.76-	VDOC- Filed Unit #24 Smith Mtn. Lake	VA0023515	[N/A 2.40]	Secondary	
32	Staunton (Roa.) R.	4A-5	E.L.	129.72-	Burlington Industries-Klopman Division Altavista Plant	VA0001678	530.00	Secondary	
33	Staunton (Roa.) R	4A-5	E.L.	128.96-	Altavista Town WTP	VA0027189	N/A	Secondary	
34	Staunton (Roa.) R	4A-5	E.L.	128.94-	The Lane Co., Inc. Altavista Plant	VA0001520	N/A	Secondary	
[	Staunton (Roa.) R	4A-5	E.L.]	[Town of Hurt (Proposed)]	[Secondary Town of Hurt (Proposed)]			[Secondary]	
AP	Staunton (Roa.) R	4A-5	E.L.	127.96-	Altavista Town STP	VA0020451	204.00	Secondary	
35	Staunton (Roa.) R	4A-5	E.L.	126.39-	Ross Laboratories	VA0001716	66.20 4	Secondary	
36	X-trib to Big Otter R.	4A-5	E.L.	1.63-	Bedford City WTP	VA0001503	N/A	Secondary	
37	Roaring Run	4A-5	E.L.	3.26-	Gunnose Sausage Co., Inc.	VA0001449	0.55	Secondary	
AQ	X-trib to Big Otter R.	4A-5	E.L.	1.15-	Bedford County Schools Otter River E.S.	VA0020851	0.40	Secondary	
38	X-trib to Little Otter R.	4A-5	E.L.	0.76-	Wheelbrator Frye, Inc.	VA0058033	N/A	Secondary	
AR	X-trib to Little Otter R.	4A-5	E.L.	0.42-	Bedford County Schools – Liberty H.S.	VA0020796	2.80	Secondary	
AS	Little Otter R.	4A-5	W.Q.-DO	14.36-	Bedford City STP	VA0022390	52.80	52.80	64.15
39	Johns Cr.	4A-5	W.Q.-DO	2.61-	Golden West Foods, Inc.	VA0056430	N/A	N/A	N/A
AT	X-trib to Wells Cr.	4A-5	E.L.	2.22-	Bedford County Schools [New London Academy Body Camp E.S.]	VA0020818	0.40	Secondary	
AU	X-trib to Big Otter R.	4A-5	E.L.	1.20-	David T. Callahan Residence	VA0080667	0.57	Secondary	

Final Regulations

AV	X-trib to Buffalo Cr	4A-5	E.L.	0.67-	Bedford Country Schools New London Academy	VA0020826	0.50	Secondary	
AW	Buffalo Cr	4A-5	E.L.	12.42-	Alum Springs [Shopping] Center	VA0078999	4.50	Secondary	
40	Big Otter R.	4A-5	E.L.	11.74-	Campbell Country USA (Proposed WTP)	[VA007846 VA0078646]	N/A	Secondary	
BF	X-trib to Big Otter R	4A-5	E.L.	1.07-	Otterwood Grocery Store	VA0082732	0.05	Secondary	
AX	Flat Cr.	4A-5	E.L.	13.34-	Virginia Track & Equipment Corp.	VA0068594	0.03	Secondary	
BD	X-trib to Flat Cr.	4A-5	E.L.	0.68	Montague Betts Co, Inc.	VA0075116	0.45	Secondary	
41	Flat Cr.	4A-5	E.L.	12.62-	Blue Ridge Stone Corp. Lynchburg [Plant]	VA0050628	N/A	Secondary	
AY	X-trib to Flat Cr.	4A-5	E.L.	0.12-	Winebarger Corp	VA0074969	0.70	Secondary	
AZ	Smith Br.	4A-5	E.L.	2.82-	Briarwood Village	VA0031194	2.70	Secondary	
BE	X-trib to Flat Cr.	4A-5	E.L.	0.88-	Ralph P. Shepard Residence	VA0081591	0.05	Secondary	
BA	X-trib to Flat Cr.	4A-5	E.L.	1.16-	Phillips, Arthur, Phillips Tract #6	VA0068098	0.05	Secondary	
BB	X-trib to Flat Cr.	4A-5	E.L.	1.12-	Kyle E. & Annette D. Shupe Residence	VA0068080	0.05	Secondary	
BC	X-trib to Flat Cr.	4A-5	E.L.	1.08-	Wayne E. & Sherina D. Shupe Residence	VA0068071	[0.5 0.05]	Secondary	
BG	X-trib to Troublesome Cr.	4A-5	E.L.	2.15-	Kelly Convenience Store	VA0067078	0.11	Secondary	

[NOTES:

N/A - Not Applicable - currently no BOD₅ limits or wasteload have been required by the VPDES Permit. Should BOD₅ be required a WQMP amendment would be necessary for Water Quality Limited Segments only.

¹Secondary Treatment levels are required in Effluent Limited segments. Quantities listed for Water Quality Limited segments represent wasteload allocation.

²Ending river miles are not available at this time.

Final Regulations

³These allocations represent current and original (1976 WQMP) modeling with the exception of the Altavista segment, river miles 130.00 to 119.00 on the Staunton (Roanoke) River. Future revisions may be necessary based on State Water Control Board approved modeling.

⁴The VPDES Permit limit presented here is a future loading, not the current VPDES Permit limitation. The permitting process will determine the current loading not to exceed 1173 kg/d WLA established by this plan.

⁵The current permitted BOD₅ loading for this facility is 30 mg/l monthly average and 45 mg/l daily maximum. Based on maximum flows reported by this facility for 1987-88 (0.389 mgd) the resulting wasteload is 66.2 kg/d. Revocation of the permit has been requested by the permittee.]

9 VAC 25-720-90. Tennessee-Big Sandy River Basin.

A. Total maximum Daily Load (TMDLs).

B. Stream segment classifications, effluent limitations including water quality based effluent limitations, and waste load allocations.

[~~9 VAC 25-720-90 Sewerage Service Areas.~~]

TABLE B1 - SEWERAGE SERVICE AREAS

Map ¹ No.	Locality	Receiving Stream Classification ²	NPDES LIMITS ³			Status of Applicable ⁴ Section 201 Programs (March 1977)
			FLOW (mgd)	BOD ₅ (1lbs/day)	SS (lbs/day)	
14T	Abingdon	EL	0.6	840	840	Step III at EPA for award.
14B	Amonate	EL	Permit to be issued in future			Not on priority list.
4T	Appalachia	EL	0.3	75	75	To be studied with Big Stone Gap
5T	Big Stone Gap	EL	0.8	240	240	Recommended for FY 77 Step 1.
13B	Bishop	EL	Permit to be issued in future			Not on priority list.
	Bristol	EL	Served by plant in Tennessee			Health hazard area to be served by collection system funded in FY 76. Extension of existing interceptor into Bearer Creek & Sinking Creek area to be funded by Region IV EPA and Tennessee. Also infiltration/inflow study to be funded in FY 77.
23T	Chilhowie	EL	0.265	68.5	79.6	Proposed Step I study with Marion.
	Cleveland	WQ	0.05	12.5	12.5	Step III grant awarded by EPA.
	Clinchport	WQ	Not to exceed present discharge			Town and Country Authority has not yet applied for Step I from FY 76 funds.
2B	Clintwood	WQ	0.235	*70.5/117.5	*70.5/117.5	On FY 77 list for Step I.
[11T	Coeburn	WQ	0.4	160	160	On FY 77 list for Step I.]
18T	Damascus	EL	0.25	62.5	62.5	Final audit and inspection of facility completed.
6T	Duffield	EL	0.075	30	30	Not on priority list.
	Dungannon-Fort Blackmore	WQ	Permit to be issued in future			Not on priority list.
10T	Gate City-Weber City	EL	0.504	*151/252	*151/252	Step I in progress.
3B, 5B	Harmon-Big Rock		1.25	156	312	System is approved by state and submitted to EPA.
6B, 7B	Grundy-Vansant	WQ	Permit to be issued in future			System is approved and submitted to EPA.

Final Regulations

9B	Haysi	WQ	Permit to be issued in future			Step I plan is complete. Town disapproved plan. SWCB evaluating alternatives.
8B T	Hurley	WQ	Permit to be issued in future			Step I plan complete and under review by state.
1T	Jonesville	EL	0.15	38	38	Not on priority list.
13T	Lebanon	WQ	0.2	60	60	Step III application at EPA.
25T	Marion	EL	1.7	510	510	Step I recommended for FY 77. Marion is proceeding on infiltration/inflow study under prior approval from EPA.
	Nickelsville	WQ	Permit to be issued in future			Not on priority list.
7T,8T	Norton	WQ	0.77,0.22	832,371	640,0184	Step I in process (with Wise).
2T	Pennington Gap	EL	0.315	410	315	Step I recommended for FY 76. Community has not yet completed Step I application.
1 B	Pound	WQ	0.175	44	44	Step III funded by EPA. Facility nearly completed.
19T	Raven-Doran	WQ	0.26	67.2	78	System to remain unchanged.
20T	Richlands	WQ	0.8	845	650	Step I in process. Step II recommended in FY 77.
	Rosedale	WQ	Permit to be issued in future			Not on priority list.
	Rose Hill-Ewing	EL	Permit to be issued in future			Not on priority list.
3T	St. Charles	EL	0.125	25	25	Abandonment proposed. Then to be served by Pennington Gap, subject to recommendations of Facility Plan.
12T	St. Paul	WQ	0.4	100	100	Complete and audited by EPA.
22T	Saltville	EL	0.5	125	125	Complete and audited by EPA.
	Sugar Grove-Teas	EL	Permit to be issued in future			Not on priority list.
15T	Swords Creek-Honaker	EL	0.144	187	144	Step I in FY 76. Step II recommended in FY 77.
24T	Tazewell Town of	EL	0.70	*210/350	*210/350	Step I recommended in FY 77.
[10B, 11B, 12B	Trammel-McClure	WQ	Permit to be issued in future			Not on priority list.]
9T	Wise	WQ	0.28	112	112	Step I in progress (with Norton).

¹ Dischargers are shown on Plate 3-B (Map No. with "B" designates Big Sandy) and 3-T (Map No. with "T" designates Tennessee).

² Effluent Limiting (EL) or Water Quality (WQ).

³ For existing sewage treatment facility.

⁴ For new sewage treatment facility.

*Seasonal NPDES allowable loading: April to September/ October to March

Source: Thompson & Litton and State Water Control Board

9 VAC 25-720-100. Chowan Rive-Dismal Swamp River Basin (Reserved).

9 VAC 25-720-110. Chesapeake Bay – Small Coastal – Eastern Shore River Basin.

A. Total maximum Daily Load (TMDLs).

Final Regulations

B. Stream segment classifications, effluent limitations including water quality based effluent limitations, and waste load allocations.

Small Coastal and Chesapeake Bay-

TABLE B1 - CURRENT STREAM SEGMENT CLASSIFICATION

Segment No.	Name	Current State [Class]
7-12A	Pocomoke Sound	EL
7-12B	Messongo Creek	EL
7-12C	Beasley Bay	EL
7-12D	Chesconessex Creek	EL
7-13	Onancock Creek	WQ
7-14	Pungoteague	WQ
7-12E	Nandua Creek	EL
7-15	Occohannock Creek	WQ
7-12F	Nassawadox Creek	EL
7-12G	Hungars Creek	EL
7-12H	Cherrystone Inlet	EL
7-12I	South Bay	EL
7-12J	Tangier Island	
7-11A	Chincoteague	EL
7-11B	Hog Bogue	EL
7-11C	Metomkim Bay	EL
7-11D	Machipongo River	EL
7-11E	South Ocean	EL

Small Coastal and Chesapeake Bay

TABLE B2 - EASTERN SHORE WASTELOAD ALLOCATIONS

		INTERIM WASTELOAD ALLOCATIONS ⁽¹⁾			FINAL WASTELOAD ALLOCATIONS		
		(Current Permit Limits)					
NAME	RECEIVING STREAM OR ESTUARY	BOD ₅ (lb/d)	SUSPENDED SOLIDS (lb/d)	OIL & GREASE (lb/d)	BOD ₅ (lb/d)	SUSPENDED SOLIDS (lb/d)	OIL & GREASE (lb/d)
Commonwealth of Va. Rest Area	Pitts Cr.	4.3	4.3	--	4.3	4.3	--
Edgewood Park	Bullbegger Cr.	0.80	0.80	--	0.80	0.80	--
Holly Farms	Sandy Bottom Cr.	167(3)	167(3)	10 mg/l	Stream survey/model and determination of final wasteload allocations planned for the summer of 1980.		
Taylor Packing Company	Messongo Cr.	7006(3)	13010(3)	--	Stream survey/model was run previously. No change in permit anticipated.		
No. Accomack E.S.	Messongo Cr.	1.8	1.4	--	1.8	1.4	--

Virginia Register of Regulations

Final Regulations

Messick & Wessels Nelsonia	Muddy Cr.	30mg/l ⁽⁴⁾	30mg/l ⁽⁴⁾	--	Interim wasteload allocations may be changed based on BAT guidance.		
Whispering Pines Motel	Deep Cr.	4.8	4.8	--	4.8	4.8	--
Town of Onancock	Onancock Cr.	21	21	--	21	21	--
Messick & Wessels	Onancock Cr.	30mg/l ⁽⁴⁾	30mg/l ⁽⁴⁾	--	Interim wasteload allocations may be changed based on guidance.		
So. Accomack E.S.	Pungoteague Cr.	1.8	1.4	--	1.8	1.4	--
A & P Exmore	Nassawadox Cr.	0.38	0.38	--	0.38	0.38	--
Norstrom Coin Laundry	Nassawadox Cr.	60mg/l ⁽⁴⁾ max.	60mg/l ⁽⁴⁾ max.	--	Interim wasteload allocation may be changed based on BAT guidance.		
NH-Acc. Memorial Hospital	Warehouse Cr.	12.5	12.5	--	21.5	12.5	--
Machipongo E.S. & H.H. Jr. High	Trib. To Oresbus Cr.	5.2	5.2	--	5.2	5.2	--
Town of Cape Charles	Cape Charles Harbor	62.6	62.6	--	62.6	62.6	--
America House	Chesapeake Bay	5	5	--	5	5	--
U.S. Coast Guard Chesapeake Bay	Chesapeake Bay	--	--	10/mg/l ⁽⁵⁾	--	--	10/mg/l ⁽⁵⁾
U.S. Government Cape Charles AFB	Magothy Bay	Currently No Discharge					
Exmore Foods (Process Water)	Trib. To Parting Cr.	200	100	--	Stream survey/model and determination of final wasteload allocations planned for the summer of 1980.		
Exmore Foods (Sanitary)	Trib. To Parting Cr.	30mg/l ⁽⁵⁾	30mg/l ⁽⁵⁾	--	30mg/l ⁽⁵⁾	30mg/l ⁽⁵⁾	--
Perdue Foods (process water)	Parker Cr.	May-Oct 275 367 Nov-Apr. 612 797	--	--	Interim Permit in process. Stream survey/models were run. No substantial change in permit anticipated.		
Perdue Foods (parking lot)	Parker Cr.	30mg/l(5)	30mg/l(5)	--	30mg/l(5)	30mg/l(5)	--
Accomack Nursing Home	Parker Cr.	2.7	2.6	--	2.7	2.6	--
U.S. Gov't NASA Wallops Island	Mosquito Cr.	75	75	--	75	75	--
U.S. Gov't NASA Wallops Island	Cat Cr.	1.25	1.25	--	1.25	1.25	--
F & G Laundromat	Chincoteague Channel	10	4.8	--	Interim wasteload allocations may be changed based on BAT guidance.		
U.S. Coast Guard	Chincoteague Channel	--	--	15mg/l (max.)	--	--	15mg/l (max.)
[Virginia-] Carolina Seafood	Chincoteague Bay	342	264	5.5	342	264	5.5

Final Regulations

<i>Reginald Stubbs Seafood Co. (VA0005813)</i>	<i>Assateague Channel</i>	--	20	95	--	20	95
<i>Reginald Stubbs Seafood Co. (VA00056421)</i>	<i>Assateague Channel</i>	--	20 [$4^{(2)}$]	98	--	20.4 ⁽²⁾	98
<i>Shreaves</i>	<i>Chincoteague Bay</i>	--	16 ⁽²⁾	1.4 ⁽²⁾	--	16 ⁽²⁾	1.4 ⁽²⁾
<i>Chincoteague Seafood</i>	<i>Chincoteague Bay</i>	342	264	5.5	342	264	5.5

TABLE B3 - EXISTING OR POTENTIAL SOURCES OF WATER POLLUTION

Location No.	Name	Receiving Estuary	Stream	Flow (MGD)	CBOD (mg/#D)	NBOD (mg/#D)	Total Suspended Solids (mg/#D)	D.O. (mg/l)	FC (MPN/100ml)	Treatment/Operation
1	Comm. Va. Rest Area	Pocomoke Sound	Pitts Cr.	.003	7/0.18		10/0.3	7.5	1	Extended aeration. Sec. Holding pond, CL ₂
2	H.E. Kelley	Pocomoke Sound	Pitts Cr.							Currently no discharges. Out of business
3	Edgewood Park	Pocomoke Sound	Bullbagger Creek	.006 ⁽³⁾	16/0.8 ⁽²⁾		16/0.8 ⁽²⁾			PRI, CL ₂ . Holding Pond
4	Holly Farms	Pocomoke Sound	Sand Bottom Creek	0.18	6/40		15/100	8.0	100	Aerated Lagoons, CL ₂
5	J.W. Taylor	Messongo Creek	Trib. To Messongo	.001	60/50		150/125	8.0		Aerated Lagoons
6	No. Accomack E.S.	Messongo Creek	Trib. To Messongo	.005	22/0.9		30/1.3	9.0		Sec., Septic Tank, Sand Filter Holding Pond
7	Messick & Wessells-Nelsonia	Beasly Bay	Muddy Creek	.005	125/5.2		100/4.2			Sec., Extended Aeration
8	Wille's Laundromat	Beasly Bay	Hunting Creek							Pri., Septic Tank
9	Byrd Food	Beasly Bay								No discharge industry
10	Whispering Pines Motel	Beasly Bay	Deep Creek	.009	25/1.9		30/2.3	6.0		Sec., Extended Aeration Holding Pond, CL ₂
[11	Town of Onancock	Onancock Creek	North Fork	.19	2/3.2		3/4.8	7.5	3	Primary, Primary Settling Sludge Digestion, CL ₂]
12	Messick & Wessells-Onley	Onancock Creek	Joyne's Branch	.005	100/4.2		150/6.3			Sec., Extended Aeration
13	So. Accomack E.S.	Pungoteague	Trib. To Pungoteague		24/1.8 ⁽²⁾		19/1.4 ⁽²⁾			Sec., Septic Tank, Grease Trap, Sand Filter, Holding Pond. No discharge in 4 yrs.

Final Regulations

14	Great Atlantic & Pacific Tea Company	Nassawadox	Nassawadox	.001	140/1.2		150/1.3		6.5	Sec., Extended Aeration CL ₂
15	Norstrom Coin Laundry	Nassawadox	Trib. To Nassawadox	.008						Sec., Extended Aeration, permit in process
17	N.H.-Acc. Memorial Hospital	Nassawadox	Warehouse Creek	.03	25/1.6		35/2.2	6.5	750	Secondary Aerated Lagoon, CL ₂ Holding pond Stab-Lagoon
18	Machipongo E.S. & N.H. Jr. High School	Hungars Creek	Trib. To Oresbus	[0.3 ⁽¹⁾]	[-0.3 ⁽⁴⁾]		30/5.2 ⁽²⁾			Sec., Stab-Lagoon, Holding Pond no discharge in 4 yrs.
19	B & B Laundromat	Cherry Stone Inlet	Old Castle Creek							Prl. Septic Tank w/discharger
20	KMC Foods, Inc.	Cherry Stone Inlet								No-Discharge industry
21	Herbert West Laundromat	Cherry Stone Inlet	Kings Creek							Prl. Septic Tank w/Discharger
22	Town of Cape Charles	Cape Charles Harbor	Cape Charles Harbor	.165 ⁽²⁾	290/400 ⁽³⁾		139/192 ⁽³⁾			Raw Sewage, Sewage Treatment to be completed by 1982
23	American House Inn	Chesapeake Bay	Chesapeake Bay		30/5 ⁽²⁾		30/5 ⁽²⁾			
24	U.S. Coast Guard	Chesapeake Bay	Chesapeake Bay	.001 ⁽²⁾	30/			5.0 ⁽²⁾	200 ⁽²⁾	Bilgewater
25	U.S. Gov't Cape Charles AFS	Magothy	Magothy	.001 ⁽²⁾				5.0 ⁽³⁾		Sec., CL ₂ , Aerated Lagoon, currently no-discharge
27	Exmore Frozen Foods	Machipongo	Trib. To Parting Cr.	.56	29/135		18/84	6.5		Grass Bays, Screening
28	Exmore Foods (Domestic)	Machipongo	Trib. To Parting Cr.	.02	5/0.8		9/1.5			Septic Tank, Sand Filter
30	Perdue Foods	Metomkin Bay	Parker Creek	1.7	11/156		15/213	6.5	150	Sec., Aerated Lagoon, Holding Pond, CL ₂
31	Perdue Foods	Metomkin Bay	Parker Cr.	.01 ⁽⁴⁾			15/1.3			
32	Accomack Co. Nursing Home	Metomkin Bay	Parker Cr. North Fork	.011	20/1.8		28/2.6	6.5	100	Sec., Extended Aeration, Holding Pond, CL ₂
33	U.S. Gov't NASA (Wallops Island)	Hog Creek	Cat Creek	.005	30/		30/			Sec., Stab., Pond, Holding Pond, CL ₂
34	Robo Automatic Car	Chincoteague Channel	Little Simoneaton							
35	U.S. Gov't NASA	Chincoteague Channel	Mosquito Creek	.105	10.6/9.3 ₍₃₎	112/28	2.0/1.8			Sec., Trickling Filter

Final Regulations

36	Trail's End Rec. Vehicle Dev.	Chincoteague Channel	Trib to Mosquito Cr.							Septic Tank and Drainfield
37	Coin-Op Laundromat	Chincoteague Channel	Chincoteague Channel							No discharge
38	F & G Laundromat	Chincoteague Channel	Chincoteague Channel	.005						
39	U.S. Coast Guard	Chincoteague Channel	Chincoteague Channel	.001 ⁽²⁾			30/0.2 ⁽²⁾		200 ⁽²⁾	Discharge-Bilgewater
40	Phillip Custis	Ramshorn Bay								Spray Irrigation, no Discharge
43	Boggs (Melfa)	Nickowampus Creek								Septic tank waste lagoons, no discharge
44	Blake (Greenbush)	Deep Creek								Septic tank waste lagoon, no discharge
45	Cherrystone Campground	Kings Creek or Cherrystone Inlet								Stab-Lagoon, Holding pond, no discharge
46	Wallops Sanitary Landfill									Solid waste disposal site, no discharge
47	Chincoteague Dumpsite									Solid waste disposal site, no discharge
48	Bob Town Sanitary Landfill									Solid waste disposal site, no discharge
49	Northampton Sanitary Landfill									Solid waste site, no discharge
52	Dorsey's Seafood Market	Chincoteague								Oysters ⁽⁵⁾
54	Va-Carolina Seafood Company, Inc.	Hog-Bogue					1152 ⁽²⁾ Clams 68 ⁽²⁾ Oysters 7.0 ⁽²⁾ Scallops			Surf Clams, Oysters, Scallops
55	Chincoteague Island Oyster Farm	Chincoteague								(Oyster-Boat Operation (grows oysters & clams from larvae) ⁽⁶⁾)
	Reginald Stubbs Seafood Company	Assateague Channel		.002 ⁽⁴⁾	4.2		2.8			Oyster
58	Shreaves Bros.	Chincoteague		.002 ⁽⁴⁾	2.07		8.0			Oyster
60	Chincoteague Seafood Co.	Chincoteague		.063 ⁽⁴⁾	972		79.9			Surf-Clam

Final Regulations

61	Ralph E. Watson Oyster Co.	Chincoteague		.003 ⁽⁴⁾	57		53			Oyster
62	McCready Bros. Inc.	Chincoteague								Oyster, no discharge
63	Wm. C. Bunting	Chincoteague		.001 ⁽⁴⁾	12		4.8			Oyster
64	Carpenters Seafood	Chincoteague		.001 ⁽⁴⁾	4.1`		2.1			Oyster
64a	Burtens Seafood, Inc.	Chincoteague		.006 ⁽⁴⁾	10.3		.35			Oyster shell stock deal no discharge
69	Jones Bros. Seafood	Chincoteague	Sheepshead Cr.							Oyster & Clams
70	W.E. Jones Seafood	Chincoteague	Sheepshead Creek				46.4 ⁽²⁾			Oyster & Clams
71	Conner & McGee Seafood	Chincoteague	Sheepshead Creek							Oyster & Clams ⁽⁶⁾ ₁
72	Hills Oyster Farm	Chincoteague								Oyster & Clams ⁽⁵⁾
73	Thomas E. Reed Seafood	Chincoteague	Deep Hole Creek							Oyster & Clams ⁽⁶⁾
74	Mears & Powell	Metomkin								Oyster-Building, also used to clean fish ⁽⁵⁾
75	Wachapreague Seafood Company	Metomkin	Finney Creek	.036 ⁽⁴⁾	[4.2]		144			Sea Clam
76	George D. Spence and Son	Machipongo								Crab Shedding ⁽⁶⁾
77	George D. Spence and Son	Machipongo								Crab Picking, no discharge
78	George T. Bell	Machipongo								No Discharge, Oyster
79	George D. Spence and Son	Machipongo	Upshur Bay							Oyster ⁽⁶⁾
80	Peters Seafood	Machipongo								Oyster ⁽⁶⁾
81	J.E. Hamblin	Machipongo								Oyster, No discharge
83	Nathan Bell Seafood	Machipongo								Clams, Hard ⁽⁵⁾
84	John L. Marshall Seafood	Machipongo								Clams ⁽⁵⁾
[85	American Original Foods, Inc.	Machipongo	Parting Creek	.151 ⁽⁴⁾	2632		1337]			

Final Regulations

86	Harvey & Robert Bowen	Machipongo	Parting Creek	.0006 ⁽⁴⁾	6.2		1.7		Oyster
87	H.M. Terry	Machipongo	Parting Creek	.0004 ⁽⁴⁾	3.3		.62		Oyster
89	Webb's Island Seafood	South Ocean Area							Clams ⁽⁶⁾
90	Cliff's Seafood	South Ocean Area	Mockhorn Bay						Oyster & Clam ⁽⁶⁾
92	H. Allen Smith	South Ocean Area		.037 ⁽⁴⁾	213		522		Sea Clam
94	C & D Seafood, Inc.	South Ocean Area	Oyster Harbor	.04 ⁽⁴⁾	427		204 sea clam 34 ⁽²⁾ oyster		Sea Clam, Oyster
95	B.L. Bell & Sons	South Ocean Area	Oyster Harbor	.001 ⁽⁴⁾	12		.9		Oyster
98	Lance Fisher Seafood Co.	Pocomoke		.02 ⁽⁴⁾	38		12.8		Oyster and Clam
99	Fisher & Williams/Lester Fisher	Messongo							Building used to shed soft crabs ⁽⁵⁾
100	Grady Rhodes Seafood	Messongo							Sold business, Building used to shed soft crabs ⁽⁵⁾
101	Bonowell Bros.	Messongo	Pocomoke Sound	.001 ⁽⁴⁾	12		2.5		Oyster
102	John H. Lewis & Co.	Messongo	Starling Creek						Oyster SS only, no discharge
103	Eastern Shore Seafood	Beasly							Crab, no discharge
106	Ashton's Seafood, Inc.	Pungoteague							Shell stock dealer-no discharge
107	Nandua Seafood Co.	Nandua		.0001 ⁽⁴⁾	.2		.9		Crab
108	A.M. Acuff	Cherrystone							Building used for storage, no discharge
110	D.L. Edgerton Co.	Cherrystone	Mud Creek						Conch. In operation. Retort drains overboard & fish wash-down ⁽⁶⁾
111 & 112	Tangier Island Seafood, Inc.	Tangier							Crab ⁽⁵⁾
113	Tangier	Chesapeake Bay							1000 KW Power Station
114	Chincoteague	Chincoteague Channel							2100 KW Power Station
115	Parksley								2400 KW Power Station

Final Regulations

116	Tasley									1400 KW Power Station
117	Bayview									10,000 KW Power Station
118	Cape Charles	Cape Charles Harbor								1200 KW Power Station
119	Burdick Well & Pump Company									Holding Pond, no discharge
120	Marshall & Son Crab Company	Messongo Cr.								Crab Shedding ⁽⁶⁾
[424]	Linton & Lewis Crab Co.	Pocomoke Sound								Crab Shedding ⁽⁶⁾
122	D.L. Edgerton	Chincoteague								Fish Washdown ⁽⁶⁾
123	Evans Bros. Seafood Co.	Pocomoke Sound								Crab Shedding ⁽⁶⁾
124	Stanley F. Linton	Messongo	Starling Cr.							Crab Shedding ⁽⁶⁾
125	H.V. Drewer & Son	Messongo	Starling Cr.	.035 ⁽⁴⁾ .018 ⁽⁴⁾	[349 180]		736-clam 198-oyster			Oyster & Clam
126	Chincoteague Fish Co., Inc.	Chincoteague Channel								Fish Washdown ⁽⁶⁾
127	Chincoteague Crab Company	Assateague Channel			.18 ⁽²⁾		.54 ⁽²⁾			Crab & Crab Shedding
128	Aldon Miles & Sons	Pocomoke Sound								Crab Shedding ⁽⁶⁾
129	Saxis Crab Co.	Messongo	Starling Cr.							Crab Shedding ⁽⁶⁾
	Paul Watkinson SFD	Pocomoke Sound								Crab Shedding ⁽⁶⁾
131	Russell Fish Co., Inc	Chincoteague Channel								Fish ⁽⁶⁾
132	Mason Seafood Co.	Chincoteague Channel		.002 ⁽⁴⁾	7.7		13.7			Oysters

NOTE: ⁽¹⁾ Water quality data taken from Discharge Monitoring Reports or special studies unless indicated.

⁽²⁾ NPDES Permit limits given since the permit is new and discharge monitoring reports not yet available.

⁽³⁾ Data from Accomack-Northampton Co. Water Quality Management Plan.

⁽⁴⁾ Estimated.

⁽⁵⁾ May need a permit--either company has not responded to SWCB letter or operation has just started up.

⁽⁶⁾ No limits -- has an NPDES permit, but is not required to monitor.

9 VAC 25-720-120. York River Basin.

A. Total Maximum Daily Load (TMDLs).

B. Stream segment classifications, effluent limitations including water quality based effluent limitations, and waste load allocations.

Final Regulations

TABLE B1 - RECOMMENDED STREAM SEGMENTS IN THE YORK RIVER BASIN

Segment Number	Classification	Name of River (Description)*
8-1	EL	North Anna River (main and tributaries except Goldmine Creek and Contrary Creek) R.M. 68.4-0.0
8-2	EL	Goldmine Creek
8-3	WQ	Contrary Creek (main only) R.M. 9.5-0.0
8-4	EL	South Anna River (main and tributaries) R.M. 101.2-97.1
8-5	EL	South Anna River (main only) R.M. 97.1-77.4
8-6	EL	South Anna River (main and tributaries) R.M. 77.4-0.0
8-7	EL	Pamunkey River (main and tributaries) R.M. 90.7-12.2
8-8	WQ	Pamunkey River (main only) R.M. 12.2-0.0
8-9	EL	Mattaponi River (main and tributaries) R.M. 102.2-10.2
8-10	EL	Mattaponi River (main only) R.M. 10.2-0.0
8-11	WQ	York River (main only) R.M. 30.4-22.4
8-12	EL	York River (main and tributaries except King Creek and Carter Creek) –R.M. 22.4-0.0
8-13	EL	Carter Creek (main and tributaries) R.M. 5.4-2.0
8-14	EL	Carter Creek (main only) R.M. 2.0-0.0
8-15	EL	King Creek (main only) R.M. 5.6-0.0
8-16	WQ	Condemned shellfish areas- Timberneck, Queens, and Sarah Creeks and portions of the main stream of the York River.

*R.M.= River Mile, measured from the river mouth

Source: Roy F. Western

TABLE B2 - WASTE LOAD ALLOCATIONS (IN LBS PER DAY)

POINT SOURCE	1977 WASTE LOAD ²		MAXIMUM ⁷ DAILY LOAD		RECOMMENDED ALLOCATION			RAW WASTE LOAD AT 1995		REQUIRED & REMOVAL EFFICIENCY 1995	
	CBOD ₅	UBOD ¹	CBOD ₅	UBOD	CBOD ₅	UBOD	PERCENT RESERVE	CBOD ₅	UBOD	CBOD ₅	UBOD
Gordonsville	145	398	150	412	150	412	0	1950	2730	92	85
Louisa-Mineral	50	108	55	118	55	118	0	850	1150	93	90
Doswell	52	110	862 ⁸	1407 ⁸	690 ⁸	1125 ⁸	20	1080	1444	85(4)	71
Thornburg	63	150	68	162	68	162	0	1240	1690	94	90
Bowling Green	27	64	29	68	29	68	0	680	926	96	93
Ashland	160	303	235	559	188	447	20	2250	3825	92	88
Hanover (Regional STP)	170	437	280	820	280	820	0	5730	7930	96	90
Chesapeake Corp.	6400	8000	10445 ⁵	15000 ⁵	10445 ⁵	15000 ⁵	N/A	51700	64630	90	90
West Point	105	380	281 ³	1020	225	814	20	1000	1600	85 ⁴	66

¹ BOD is Ultimate Biochemical Oxygen Demand. Its concentration is derived by the following: $BOD_5 / 0.80 + 4.5(TKN) = (UBOD)$. NOTE: The amount of TKN utilized depends on the location in the basin.

² Projected for 1977 based on population projections.

³ Recommended allocation based on BPCTCA effluent guidelines applied to raw waste loads at 2020.

⁴ Minimum removal efficiency.

⁵ Allocation based on BPCTCA effluent guidelines; amended by Minute 25, June 3-5, 1979 board meeting.

⁶ Based on assumed influent characteristics.

Final Regulations

⁷Assimilative capacity.

⁸Amended by Minute 1, August 17, 1978, board meeting.

Source: Roy F. Weston, Inc.

9 VAC 25-720-130. New River.

A. Total maximum Daily Load (TMDLs).

B. Stream segment classifications, effluent limitations including water quality based effluent limitations, and waste load allocations.

TABLE B1- SEWERAGE SERVICE AREAS

Map ¹ No.	Locality	Receiving ² Stream Classification	NPDES Limits ³			Status of Applicable ⁴ Section 201 Programs (January 1980)
			Flow (mgd)	BOD ₅ (kg/day)	SS (kg/day)	
	Abbs Valley	WQ	Permit not needed at present			Not on priority list
	Austinville	EL	Permit not needed at present			Not on priority list
	Bastian	EL	Permit not needed at present			Continue to use septic tanks for present
1	Blacksburg	EL	6.0	544.8	544.8	Completed
	Bland	EL	Permit to be issued in future			Not on priority list
29	Bluefield	WQ	3.5	106	106	Near Completion
	Boissevain	WQ	Effluent treated at Pocahontas			Redesign to treat at Pocahontas underway
2	Christiansburg	WQ	2.0	113.5	113.5	Completed
3	Dublin	EL	.22	29.9/49.9	29.9/49.9	To be connected to Pepper's Ferry STP (Radford Cluster) in FY-80
	Elk Creek	EL	Permit not needed at present			Continue to use septic tanks
4	Fairlawn	EL	.26	47	47	To be connected to Pepper's Ferry STP (Radford Cluster)
	Falls Mills	WQ	.144	5.5	5.5	Step I approved; limits for new plant
	Flat Ridge	EL	Permit not needed at present			Not on priority list
*5	Floyd	EL	.1	59.0	45.4	Small community; Step IV
13	Fries	EL	.02	11.8	9.1	Step I approved
14			.16	94.5	72.7	
17	Galax	EL	1.5	170	170	Not on priority list
	Glen Lyn	EL	Permit not needed at present			Not on priority list
15	Hillsville	EL	.2	23	23	Step I to be approved soon
16			.15	17	17	
*18	Independence	EL	.2	22.7	22.7	Step I approved; selected alternative was for one plant
19			.1	11.4	11.4	
	Ivanhoe	EL	Permit not needed at present			Continue to use septic tanks
	Max Meadows	EL	Permit to be issued in future			Not on priority list
	Mechanicsburg	EL	Permit not needed at present			Not on priority list
6	Narrows	EL	0.60	354.0	272.0	Step I at EPA; Step II - FY-80

Final Regulations

	Newport	EL	Permit not needed at present			Not on priority list
7	Pearisburg	EL	0.30	177.0	136.0	Step I at EPA; Step II - FY-80; Step III - FY-84
	Pembroke	EL	Permit not needed at present			Not on priority list
*30	Pocahontas	WQ	.15	17	17	Step I grant approved to correct I/I problems
8	Pulaski	EL	2.0	234/303	234	To be connected to Pepper's Ferry STP (Radford Cluster) in FY-80 (Step II)
9	Radford STP	EL	2.5	1475	925	Step II - FY-80
*10	Rich Creek	EL	.12	71	54	Step I at EPA, Step IV - FY-83
31	Riner	EL	.035	4.0	4.0	Completed
	Rocky Gap	EL	Permit not needed at present			Continue to use septic tanks for present
12	Rural Retreat	EL	0.15	37.5	37.5	Step I to be completed in FY-80
	Speedwell	EL	Permit not needed at present			Continue to use individual septic tanks for present
	Troutdale	EL	Permit not needed at present			Continue to use individual septic tanks for present
	Woodlawn	EL	Permit to be issued in future			Not on priority list
11	Wytheville	EL	20	400	200	Sewage treatment plant completed

¹Discharges are shown on Plate 3.

²Effluent Limiting (E.L.) or Water Quality Limiting (WQ).

³For existing sewage treatment facility.

⁴For new sewage treatment facility.

*Small communities with combined Step II and III Grants.

TABLE B2- EFFLUENT LIMITS^{(1) (4)} NEW RIVER BASIN

Discharge	Receiving Stream	Maximum BOD ₅ Loading Limits (kg/day)
Troutdale	Fox Creek	6.1
Independence	Peachbottom Creek	13.5
Fries	New River	50.5
Galax	Chestnut Creek	240.3
Hillsville	Little Reed Island Creek	99.6
Woodlawn	Crooked Creek	69.5
Speedwell	Cripple Creek	17.4
Austinville	New River	19.5
Rural Retreat	South Fork	50.5
Wytheville	Reed Creek	298.3
Max Meadows	Reed Creek	82.4
Pulaski	Peak Creek	316.8
Floyd	Dodd Creek	24.1
Riner	Mill Creek	9.8
Blacksburg	New River	583.4
Christiansburg	Crab Creek	359.4
[Troutdale	Fox Creek	6.1]

Final Regulations

[Dublin-New River-Fairlawn-Radford-Plum Creek	New River	772.7]
Newport	Sinking Creek	2.9
Pembroke	New River	28.4
Bland	Walker Creek	10.3
Mechanicsburg	Walker Creek	3.1
Narrows-Pearisburg	New River	110.8
Bastian	Wolf Creek	10.4
Rocky Gap	Wolf Creek	9.0
Rich Creek	Rich Creek	19.9
Glen Lyn	New River	5.7
Bluefield	Bluestone River	136.4
⁽²⁾ Abbs Valley	Laurel Fork	11.4
⁽²⁾ Pocahontas	Laurel Fork	5.5
⁽²⁾ Boissevain	Laurel Fork	5.9

⁽¹⁾ Other effluent limitations will be determined by Water Quality Standards and/or Best Available Technology requirements.

⁽²⁾ Secondary treatment will be required until a further verification of the model is made to document the need for treatment beyond secondary.

⁽³⁾ To join Radford Cluster.

⁽⁴⁾ This table supersedes Table 152, page 199, Thompson & Litton, Inc., New River Basin Comprehensive Water Resources Plan, Volume V-A.

TABLE B3- NEW RIVER BASIN INDUSTRIAL EFFLUENT LIMITATIONS*

Parameters in Average kg/day or (Concentration) as mg/l

FACILITY NUMBER

MAP NUMBER 20 APCO 004 401 501 006	BOD ₅ 1.14	SS 382 1.14 318	OIL & GREASE 192 159	IRON (1.0) MAX	COPPER (1.0) MAX	
21 Burlington Industries 001	BOD ₅ 346	SS 354	PHENOLS 1.7	SULFIDE 0.9	ALUMINUM 1.0	
22 Celanese Fibers Co. 002 003	FLOW (MGD) 2.8 3.5	BOD ₅ (30) 2,999	SS 2,023	COD 27,694		
23 Hercules, Inc. 001	SS 34					
24 Lynchburg Foundry 001	SS 143	OIL & GREASE 53.1	PHENOLS 1.04			
25 RAAP Combined Ind. 026	FLOW (MGD) 1.0	BOD ₅ 114	SS 6,714 114	COD 237	OXIDIZED NITROGEN 18,697	SULFATE 565 67
26 New Jersey Zinc 001 002 003 004 005 006	BOD ₅ 2.3	SS (38) (.30) (20) (30) (30) 2.3	TOTAL CYANIDE (0.02) (0.02) (0.25)	DISSOLVED LEAD (0.25) (0.25) (0.35) (1.0) (0.25) -----	DISSOLVED ZINC (1.0) (1.0) (1.0) (0.25) (1.0) -----	DISSOLVED IRON (0.3) (0.25) (0.25) (0.25) -----

27 Elk Creek Raycarl Products	SS (5)	OIL & GREASE (10)	IRON (1)	PHOSPHATE (2)	ZINC (0.5)	
28 Fields Mfg	BOD5 3.6	SS 4.1	OIL & GREASE 0.8	TEMP. 75°F		

9 VAC 25-720-140. Delegation section.

The director or his designee may perform any action contained in this regulation except those prohibited by § 62.1-44.14 of the State Water Control Law.

VA.R. Doc. No. R01-27; Filed March 5, 2003, 8:55 a.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Title of Regulation: 12 VAC 5-585. Biosolids Use Regulations (amending 12 VAC 5-585-10, 12 VAC 5-585-40, 12 VAC 5-585-50, and 12 VAC 5-585-270; adding 12 VAC 5-585-660 through 12 VAC 5-585-750).

Statutory Authority: §§ 32.1-164.5 and 62.1-44.19:3 of the Code of Virginia.

Effective Date: April 23, 2003.

Summary of Public Comment and Agency Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the Office of the Registrar of Regulations.

Agency Contact: Calmet Sawyer, Ph.D., Division Director, Division of Wastewater Engineering, 1500 E. Main Street, Room 109, Richmond, VA 23219, telephone (804) 786-1755 or FAX (804) 786-5567; e-mail csawyer@vdh.state.va.us.

Summary:

The amendments provide for the collection of a biosolids land application fee and for disbursement of the proceeds to localities for testing and monitoring expenses. The fee is \$2.50 per dry ton of biosolids land applied in localities with ordinances. Additionally, the amendments revise the membership of the Biosolids Use Regulations Advisory Committee.

Final amendments made to the proposed regulations include (i) clarification of several definitions; (ii) specifying representation by specific stakeholders on the Biosolids Use Regulations Advisory Committee; and (iii) addressing the reimbursable charges for local monitoring, the requirements for submitting reimbursement requests by local governments and the procedures for processing the reimbursement requests to further clarify those requirements.

12 VAC 5-585-10. Definitions.

A. Unless otherwise specified, for the purpose of these Biosolids Use Regulations, the following words and terms

shall have the following meanings unless the context clearly indicates otherwise:

"Biosolids" means a sewage sludge that has received an established treatment for required pathogen control and is treated or managed to reduce vector attraction to a satisfactory level and contains acceptable levels of pollutants, such that it is acceptable for use for land application, marketing or distribution in accordance with this chapter.

"Board" means the State Board of Health.

"Certificate" means a permit issued by the State Water Control Board in accordance with 9 VAC 25-30-40 et seq.

"Commissioner" means the State Health Commissioner or designee.

"Critical areas/waters" means areas/waters in proximity to shellfish waters, a public water supply, recreation or other waters where health or water quality concerns are identified by the department or the State Water Control Board.

"Conventional design" means the designs for unit operations (treatment system component) or specific equipment that has been in satisfactory operation for a period of one year or more, for which adequate operational information has been submitted to the division to verify that the unit operation or equipment is designed in substantial compliance with this chapter.

"Department" means the State Department of Health.

"Discharge" means (when used without qualification) discharge of pollutant or any addition of any pollutant or combination of pollutants to state waters or waters of the contiguous zone or ocean other than discharge from a vessel or other floating craft when being used as a means of transportation.

"Division" means the Division of Wastewater Engineering of the Office of Water Programs Environmental Health Services, the administrative unit responsible for implementing this chapter.

"Dry tons" means dry weight established as representative of land applied biosolids and expressed in units of English tons.

"Dry weight" means the measured weight of a sample of sewage sludge or biosolids after all moisture has been removed in accordance with the standard methods of testing and often represented as a percent solids.

"Effluent limitations" means schedules of compliance, prohibitions, permit requirements, established under state or federal law for control of sewage discharges.

"Established fees" means a fee annually established by the division per dry ton of biosolids managed by land appliers. Established fees shall not exceed the amount necessary to reimburse the direct costs for a reasonable amount of testing

and for the local monitoring of the land application of biosolids by counties, cities and towns that have adopted local ordinances [consistent with § 62.1-44.19:3 of the Code of Virginia] .

"Exceptional quality biosolids" means biosolids that have received an established level of treatment for pathogen control and vector attraction reduction and contain known levels of pollutants, such that they may be marketed or distributed for public use in accordance with this chapter.

"Facilities" means processes, equipment, storage devices and dedicated sites, located or operated separately from a treatment works, utilized for sewage sludge management, including but not limited to, handling, treatment, transport and storage of biosolids.

"Field office" means the ~~Environmental Area Engineering Field Office of the Office of Water Programs~~ through which the division implements its field operations.

"Generator" means the owner of a sewage treatment works that produces sewage sludge and biosolids.

"Industrial wastes" means liquid or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources.

"Land application" means the distribution of either treated wastewater of acceptable quality, referred to as effluent, ~~or supernatant from biosolids use facilities~~, or stabilized sewage sludge of acceptable quality, referred to as biosolids, upon, or insertion into, the land with a uniform application rate for the purpose of utilization, ~~or assimilation or pollutant removal~~. Bulk disposal of stabilized sludge in a confined area, such as in landfills, is not land application. Sites approved for land application of biosolids ~~or supernatant~~ in accordance with this chapter are not to be considered to be treatment works.

"Land applier" means someone who land applies biosolids pursuant to a valid permit from the department as set forth in this chapter.

"Local monitor" means a person or persons employed by local government to perform the duties of monitoring the operations of land appliers pursuant to a local ordinance.

"Local ordinance" means an ordinance adopted by counties, cities or towns in accordance with § 62.1-44.19:3 C of the Code of Virginia.

[~~"Manual" and~~] "Manual of practice" means the provisions of Part III (12 VAC 5-585-420 et seq.) of this chapter.

[~~"Nutrient management plan" means a plan prepared by a person certified by the Commonwealth as a nutrient management planner and otherwise meeting the requirements as set forth in the Virginia Nutrient Management Training and Certification Regulations (4 VAC 5-15).~~]

"Operate" means the act of ~~making a decision on one's own volition [an individual, not mandated upon such individual by any owner, which any person who]~~ may have an impact on either the finished water quality at a waterworks or the final effluent at a sewage treatment works, [~~or the state Water Quality Standards,~~] such as: (i) to place into or take out of service a unit process or unit processes ~~or~~, (ii) to make or

cause adjustments in the operation of a unit process or unit processes at a treatment works, or (iii) to manage sewage sludge or biosolids.

"Owner" means the Commonwealth or any of its political ~~subdivision~~ subdivisions including sanitary districts, sanitation district commissions and authorities, federal agencies, any individual, any group of individuals acting individually or as a group, or any public or private institution, corporation, company, partnership, firm or association which owns or proposes to own a sewerage system or treatment works as defined in § 62.1-44.3 of the Code of Virginia.

"Permit" means an authorization granted by the commissioner to construct, or operate, facilities and specific sites utilized for biosolids management, including land application, marketing and distribution of biosolids [~~or~~ .] *A Virginia Pollution Abatement permit issued by the Department of Environmental Quality to a land applier [is an optional permit for these activities] .*

"Permittee" means a person, firm, corporation, political subdivision or other entity holding a permit approved by the department for the land application, storage or distribution of biosolids as provided for in this chapter.

"Pollutant" means any substance, radioactive material, or waste heat which causes or contributes to, or may cause or contribute to, pollution.

"Pollution" means such alteration of the physical, chemical or biological properties of any state waters ~~or soil~~ as will, or is likely to, create a nuisance or render such waters ~~or soil~~ (i) harmful or detrimental or injurious to the public health, safety or welfare, or to the health of animals, fish or aquatic life; (ii) unsuitable ~~with despite~~ reasonable treatment for use as present or possible future sources of public water supply; or (iii) unsuitable for recreational, commercial, industrial, agricultural or for other reasonable uses; ~~provided that. Such alteration is also deemed to be pollution, if there occurs:~~ (a) an alteration of the physical, chemical or biological property of state waters [~~or soil~~], or a discharge or a deposit of sewage, industrial wastes or other wastes to state waters [~~or soil~~] by any owner which by itself is not sufficient to cause pollution, but which, in combination with such alteration of, or discharge, or deposit, to state waters [~~or soil~~] by other owners, is sufficient to cause pollution; (b) the discharge of untreated sewage by any owner into state waters [~~or soil~~]; ~~and or (c) contributing to the contravention of standards of [air or] water quality duly established by the State Water Control Board are~~ "pollution" for the terms and purposes of this chapter.

"Primary sludge" means sewage sludge removed from primary settling tanks that is readily thickened by gravity thickeners.

"Process" means a system, or an arrangement of equipment or other devices ~~such that a remove from waste material can be subsequently treated to remove~~ pollutants, including, but not limited to, a treatment works or portions thereof.

"Reimbursement application" means forms approved by the division to be used to apply for reimbursement of local monitoring costs for land application of biosolids in accordance with the provisions of this chapter. The application shall consist of a formal written request and any

Final Regulations

accompanying documentation submitted by a local government in accordance with a local ordinance.

"Settled sewage" is effluent from a basin in which sewage is held or remains in quiescent conditions for 12 hours or more and *where* the residual sewage sludge is not reintroduced to the effluent following the holding period. Sewage flows not in conformance with these conditions [~~providing settled sewage~~] shall be [~~defined as considered~~] nonsettled sewage.

"Sewage" means the water-carried and nonwater-carried human excrement, kitchen, laundry, shower, bath or lavatory wastes, separately or together with such underground, surface, storm and other water and liquid industrial wastes as may be present from residences, buildings, vehicles, industrial establishments or other places.

"Sewage sludge" or "sludge" means any solid, semisolid, or liquid residues which contain materials removed from municipal or domestic wastewater during treatment including primary and secondary residues. Other residuals or solid wastes consisting of materials collected and removed by sewage treatment, septage and portable toilet wastes are also included in this definition. Liquid sludge contains less than 15% dry residue by weight. Dewatered sludge contains 15% or more dry residue by weight. ~~The liquid obtained from separation of suspended matter during sludge treatment or storage is referred to as supernatant.~~

~~"Shall" means a mandatory requirement.~~

~~"Should" means a recommendation.~~

"Sludge management" means the treatment, handling, transportation, storage, use, distribution or disposal of sewage sludge.

"Soil analysis" is a chemical testing procedure to determine the nutrient content of soils in a given field. Soil analyses generally include testing for soil pH, P (Phosphorus), K (Potassium), Ca (Calcium), Mg (Magnesium), Zn (Zinc), Mn (Manganese), Cu (Copper), Fe (Iron) and B (Boron).

"State waters" means all water, on the surface and under the ground, wholly or partially within, or bordering the state or within its jurisdiction.

"Substantial compliance" means designs [and practices] that do not exactly conform to the ~~guidelines standards~~ set forth in ~~Part III~~ this chapter as contained in documents submitted pursuant to 12 VAC 5-585-130 but whose construction [or implementation] will not substantially affect health considerations or performance [~~of the sewerage system or treatment works~~] .

"Supernatant" is the liquid obtained from separation of suspended matter during sludge treatment or storage.

"Surface waters" means (i) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (ii) all interstate waters, including interstate "wetlands"; (iii) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, ~~wetland~~ wetlands, sloughs,

prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters: (a) which are or could be used by interstate ~~or~~ travelers for recreational or other purposes, (b) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce, or (c) which are used or could be used for industrial purposes by industries in interstate commerce; (iv) all impoundments of waters otherwise defined as waters of the United States under this definition; (v) tributaries of waters identified in clauses (i) through (iv) of this definition; (vi) the territorial sea; and (vii) "wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in clauses (i) through (vi) of this definition.

"Toxic pollutant" means any agent or material including, but not limited to, those listed under Section 307(a) of the Clean Water Act which after discharge will, on the basis of available information, cause toxicity.

"Toxicity" means the inherent potential or capacity of a material to cause adverse effects in a living organism, including acute or chronic effects to aquatic life, detrimental effects on human health or other adverse environmental effects.

"Treatment works" means any device or system used in the storage, treatment, disposal or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power and other equipment and their appurtenances, septic tanks and any works, including land, that are or will be (i) an integral part of the treatment process or (ii) used for ultimate disposal of residues or effluents resulting from such treatment. "Treatment works" does not include biosolids use on privately owned agricultural land.

"Use" means to manage or recycle a processed waste product in a manner so as to derive a measurable benefit as a result of such management.

"Variance" means ~~any mechanism or provision which allows~~ a conditional approval based on a waiver of specific regulations to a specific owner relative to a specific situation under documented conditions for a specified time period.

"Water quality standards" means the narrative statements for general requirements and numeric limits for specific requirements that describe the water quality necessary to meet and maintain reasonable and beneficial uses. Such standards are established by the State Water Control Board under § 62.1-44.15(3a) of the Code of Virginia.

B. Generally used technical terms not defined in subsection A of this section or the department's latest definitions of technical terms as used to implement § 32.1-164 et seq. of the Code of Virginia shall be defined in accordance with "Glossary--Water and Wastewater Control Engineering" published by American Public Health Association (APHA), American Society of Civil Engineers (ASCE), American Water Works Association (AWWA), and Water ~~Pollution Control~~ Environment Federation (WPCF WEF).

12 VAC 5-585-40. ~~[Reserved]~~ Fees.

All land appliers [~~operating land applying biosolids~~] on permitted sites within the jurisdiction where a local ordinance

has been adopted pursuant to § 62.1-44.19:3 of the Code of Virginia shall be subject to payment of fees as specified in this chapter.

12 VAC 5-585-50. ~~[Reserved]~~ Reimbursement.

Reimbursement of local monitoring costs deemed reasonable by the division will be made in order of receipt of an acceptable invoice. Such invoices will be reimbursed for reasonable costs ~~[of at least up to]~~ \$2.50 ~~[, as adjusted,]~~ per dry ton of biosolids land applied in a county during the period of time specified in the submitted invoice. If sufficient revenue ~~[from collected fees]~~ exists ~~[from the fees collected monthly],~~ then invoiced claims exceeding \$2.50 ~~[, as adjusted,]~~ per dry ton of biosolids land applied in that county, during the period of time specified in the submitted invoice, may be released for reimbursement of up to \$4.00 per dry ton of biosolids land applied in that county ~~[during the month that the reimbursable costs were incurred],~~ based on the order of receipt of the invoice.

12 VAC 5-585-270. Biosolids Use Regulation Advisory Committee.

A. The commissioner shall appoint a ~~regulations advisory~~ committee ~~consisting to advise the commissioner on issues related to implementation and administration of this chapter.~~ The committee shall consist of at least eight appointed members and four ex-officio members as specified ~~below in this section.~~ Advisory committee membership should include representatives of large size and small size communities and industries and their consultants. ~~[The advisory committee shall contain a maximum of 25 members.]~~

B. The appointed committee members ~~may~~ shall be selected from organizations such as:

1. ~~The Virginia Water Environment Association of Counties (VACO) [and a representative, such as a local monitor, of a county with sites permitted for land application of biosolids in accordance with this chapter];~~
2. ~~The Virginia Department of Agriculture and Consumer Services Municipal League (VML) [and ,] the Association of Municipal Wastewater Agencies (VAMWA) [, and the owners of medium and small flow treatment works];~~
3. ~~Virginia Society of professional societies (i.e., engineers and soil scientists) [and regional wastewater organizations such as the Virginia Water Environment Association];~~
4. ~~Sewerage Systems and Treatment Works Owners~~
5. ~~Sludge Management~~
4. Biosolids consultants and contractors;
5. State universities university and college faculty faculties; ~~[and]~~
6. Agricultural industry ~~[and ,]~~ the Virginia Farm Bureau ~~[- and a farmer with land permitted in accordance with this chapter; and~~
7. A medical professional and an "at large" citizen representative.]

~~B.~~ C. Consideration shall also be given to appropriate citizens who are not members of these organizations and other

interested parties and groups such as citizens conservation organizations.

D. All terms for appointed members shall be four years in duration, and members ~~shall~~ should not be appointed for more than two consecutive terms. ~~[Four of the eight Up to one-half of the]~~ appointed members shall serve an initial term of two years with subsequent terms of four years. The ~~committee~~ ex-officio members are:

1. The Director of the Office of ~~Water Programs~~ Environmental Health Services;
2. The Director of the Division of Wastewater Engineering;
3. ~~The Office of Water Resources Management, Water Division, Virginia Department of Environmental Quality~~
4. 3. The ~~Division of Soil and Water Conservation, Virginia~~ Director of the Department of Conservation and Recreation, Nutrient Management Program; and
4. The Department of Environmental Quality and the Department of Agriculture and Consumer Services may designate ex-officio members from their staff.

Each committee member may designate an alternate to serve when necessary. The secretary to the committee will be a staff member of the division.

E. The function of the committee will be to *meet, discuss issues, and make recommendations* directly to the commissioner concerning the ~~biosolids use~~ regulations and standards contained in this chapter and other ~~similar~~ policies, procedures and programs for *regulating biosolids use and associated fees*. The committee will meet semi-annually or more frequently at the call of the chairman. The committee's meetings will be advertised and open to the public, and comments and recommendations from the public will be received.

PART VI. FEES AND REIMBURSABLE COSTS.

12 VAC 5-585-660. Established fees.

A. Those land appliers operating in counties, cities or towns that have adopted local ordinances shall remit the established fees to the division as specified in this chapter. The land appliers shall collect the required fees from the owners of the sewage treatment works and facilities that generate the biosolids. Such works and facilities shall be approved sources of biosolids in accordance with this chapter. Land application ~~[of sewage sludge]~~ shall only include biosolids from approved sources as listed in the land application permit. The established fee shall be imposed on each dry ton of ~~[sewage sludge biosolids]~~ that is land applied in ~~[the Commonwealth~~ counties, cities or towns that have adopted local ordinances] in accordance with this chapter. No fee shall be imposed on materials classified as "exceptional quality biosolids" or the equivalent thereof, as defined by this chapter.

B. ~~[A~~ The amount of the established fee and disbursement are as follows:

1. The] fee shall be \$2.50 per dry ton of biosolids land applied in counties, cities or towns that have adopted local

Final Regulations

ordinances, to be adjusted annually in accordance with the federal consumer price index (CPI).

[~~6. 2.~~] Disbursement of the established fees collected by the division shall be made to reimburse or partially reimburse those counties, cities and towns with duly adopted local ordinances that submit documentation of reimbursable expenses acceptable to the department as provided for in this chapter and as described in a Biosolids Fee Guidance Manual provided to local governments and land appliers by the department.

12 VAC 5-585-670. Payment of fees.

A. Except as specified in this chapter, all fees are due on the day specified by the department. Payment of the fee shall be made by land appliers following notification by the division of the fee due. No permit, or modification of an existing permit, will be approved in the jurisdiction where payment of the established fee by the land applier has not been received by the due date, until such time that the fees are paid in full. Existing permits may be revoked or approved sources may be reclassified as unapproved, unless the required fee is paid within 60 days of the notification by the division of the fee due.

B. Fees shall be paid by check, draft or postal money order payable to the Commonwealth of Virginia, Department of Health and must be in U.S. currency, except that agencies and institutions of the Commonwealth of Virginia may submit interagency transfers for the amount of the fee.

C. All incomplete payments will be deemed nonpayments.

12 VAC 5-585-680. Deposit and use of fees.

All fees collected pursuant to this regulation shall be retained in a special nonreverting fund to be administered by the Department of Health established as the Virginia Department of Health Biosolids Fee Fund and used and accounted for as specified in [~~§ 62.1-44.15:7 of the Code of Virginia~~ this chapter].

12 VAC 5-585-690. Reimbursable costs.

The following describes the kinds of activities for which expenses may, if reasonable, be submitted for reimbursement:

1. Charges for reviewing the permit [~~application~~] to identify potential health [and environmental] protection issues [upon notification by the permittee that operations will be initiated on permitted sites].

2. Charges and expenses, including [local] travel [;] for site monitoring, inspections, [~~sample~~] collection and delivery [of samples to a nearby laboratory] and examination of records as detailed in the Biosolids Fee Guidance Manual.

3. Charges for recordkeeping including activities listed in the Biosolids Fee Guidance Manual.

4. Charges for complaint and incident response, including activities listed in the Biosolids Fee Guidance Manual.

5. Charges for biosolids and soil sample testing costs as provided for in the Biosolids Fee Guidance Manual.

6. Charges for the training of local monitors as provided for in the Biosolids Fee Guidance Manual.

12 VAC 5-585-700. Collection of fees.

A. Records. In those jurisdictions that have duly adopted local ordinances, permittees shall maintain complete records of the land application activities and amounts of biosolids that they land apply. Such records shall be maintained by the permittee in a form that is available for inspection by the division for five years after the date of the activity. Records of land application activities shall include the following minimum information:

1. Name of Permittee, VDH permit number and dates of activity.

2. Identification of land application site, including the county where taxes are remitted and permitted site identification name, letters and numbers, as appropriate.

3. The source of biosolids and approximate field area receiving those biosolids.

4. The amount of biosolids applied in dry tons and the method and calculations used to determine the reported value.

5. Dates and type of any interactions with local monitors and names of individuals involved in the interactions.

6. Name of responsible representative of permittee and a statement signed and dated by that representative indicating that the information submitted has been verified by that representative as correctly reported in accordance with this chapter.

B. Reports and notification. The permittee shall submit a monthly report by the 15th day of the month following the month that land application occurs. That report shall include the recorded information listed in subsection A of this section and present a calculation of the total fee that is required in accordance with this chapter. The submitted report shall include a summary list of the total amount of biosolids applied and the calculated fee based on the land-applied biosolids for each county in which land application occurred in alphabetical order by county.

The division will review the submitted reports and notify the permittee of the reimbursement amount within 14 days of the date that the report is received. Such notification will explain the reasons for any differences between the reported fee calculation and the reimbursement amount.

12 VAC 5-585-710. Reimbursement of fees.

A. Application. Local government must submit a reimbursement application to request reimbursement from the division. All information is to be clearly typed or printed and all required or supporting documents must be attached. The county administrator or designated local biosolids monitor shall sign and date the application where indicated. The original signed application with one copy of each of the supporting documents is to be forwarded to the division. Applications may not be submitted by facsimile or through electronic means. A reimbursement invoice form as described in this chapter must be completed before a reimbursement application can be submitted. The invoice form must include

all expenses for which reimbursement is requested during the designated time period.

B. Application forms and submittal. The application for reimbursement must be submitted within [~~420~~ 30] days of the last day of the month in which the reimbursable activity occurred. All applications received after this time frame will be ineligible for reimbursement. The following is a description of the application forms and an explanation of their use. The application forms and detailed instructions can be obtained from the division.

1. Form 1 - Reimbursement Application. An Invoice Form shall be submitted with each application for reimbursement. The invoice form should list all reimbursable charges. To be reimbursed for eligible expenses, an applicant must provide documentation to demonstrate that the expenses were incurred. Invoices are acceptable proof of incurred expenses. Include legible copies of invoices signed by the local biosolids monitor or agent who performed or managed the monitoring activities. All invoices are to include the following:

- a. VDH BUR Permit Number and site identification;
- b. (Number), or site address;
- c. Biosolids contractor's name;
- d. Date and type of activity monitored;
- e. Name of biosolids monitor;
- f. Number of hours to be reimbursed and charge per hour;
- g. List of expenses for which reimbursement is sought; and
- h. Type of sampling activity performed and associated laboratory expense vouchers.

The application requires the county administrator to certify that the responsible official has read and understands the requirements for reimbursement and that the application submitted is not fraudulent. The local monitor must attest to the accuracy and completeness of the information provided.

2. Form 2 - Multiple Owners Payment Assignment Form. When there are multiple local governments as claimants, a separate, signed and notarized invoice form for each claimant must be filled out and submitted with the [~~first~~] application.

Submittal of the original completed reimbursement application, including the application worksheets and the appropriate supporting documentation, should be accomplished by mailing these documents to: Virginia Department of Health, Division of Wastewater Engineering, 1500 East Main Street, Room 109, Richmond, VA 23219.

12 VAC 5-585-720. Processing applications.

A. When the division finds essential information is missing, an evaluation will be made to determine whether the claim can be processed without the information and, if so, what impact the missing information will have with respect to the amount approved for reimbursement. If the claim can be processed without the missing information, then the [department may in

its sole discretion process the] claim [~~may be processed~~] "as is." If it is not possible to process the claim "as is," the division will contact the claimant and attempt to resolve the deficiencies. If contacted, an applicant will have 14 days from the date of the call or letter to submit the information requested and cure any deficiencies. Extensions of the 14-day deadline will not be granted. An application that does not contain all of the required information after the 14-day time frame may be rejected or processed "as is," which can result in complete denial or a partial reimbursement. In rare cases, an application may have so many deficiencies or defects that it cannot be processed and is rejected immediately with a written explanation of the defects and remedies needed.

B. After receipt of an application for reimbursement of biosolids monitoring costs, the division will evaluate it to determine whether:

1. The invoiced costs are eligible for reimbursement;
2. The application has been completed correctly, including all required signatures;
3. All of the necessary forms and documentation have been submitted;
4. There are any costs submitted for reimbursement that are not eligible;

C. Upon completion of the reviews described in this section, the division will render reimbursement decisions, as described in the Biosolids Fee Guidance Manual, based upon the information contained in the file. These reimbursement decisions will be documented and communicated to the applicant through a reimbursement decision letter.

D. Only invoices pertaining to the monitoring activity [~~being~~] claimed in the current application will be accepted. Costs omitted from previous claims are ineligible for reimbursement in subsequent claims. Likewise, invoices submitted in previous claims will not be eligible documentation for reimbursement of costs in subsequent claims. To reduce the risk of disqualification of costs, costs for different monitoring activities should be invoiced separately. If possible, invoices should be structured so that costs are grouped according to task or activity.

12 VAC 5-585-730. Decisions regarding reimbursements.

Following a reimbursement decision, the division will prepare a reimbursement decision letter. The reimbursement decision letter will include information on the total amount requested in the application, the amount disallowed [; and] the amount approved [, and the total amount of any previous payments in cases where full reimbursement has been delayed]. If the division determines that a claim should not be paid in full, the reimbursement payment decision will briefly describe the reason for the amount awarded or denied. [~~The check for payment of reimbursement will be mailed separately and follows the decision package by one to two weeks.~~]

12 VAC 5-585-740. Reconsideration process.

A. [~~The claimant will be given the opportunity to~~ Claimants may] submit a written response indicating why costs denied on the reimbursement decision should be paid. [A

Final Regulations

~~reconsideration procedure package for filing the objection will be mailed with the reimbursement decision letter.]~~

B. If the claimant disagrees with the decision in the reimbursement payment package, a Notice of Intent (NOI) to object and a Reconsideration Claim Form must be submitted to the division within the filing deadlines specified in the reconsideration procedure package.

If filing deadlines are not met, the decision in the reimbursement payment package is final. This written objection is to be in the format specified in the reconsideration procedure package and explain the reasons for disagreement with the decisions in the reimbursement payment letter, and supply any additional supporting documentation. Upon receipt of this information and at the claimant's request, the division [~~will~~ may] schedule a reconsideration meeting to reevaluate the denied costs.

C. Claimants will be given an opportunity to contest the reimbursement decisions [in accordance with the Administrative Process Act]. ~~[The claimant's notification of the process to contest the reimbursement decision will be included in the reimbursement payment letter. The reimbursement letter will inform the claimant that:~~

~~1. If requested in the NOI the claimant may have a conference with a technical reviewer prior to the reconsideration meeting;~~

~~2. The claimant may appear in person or be represented by counsel or other qualified representative for the presentation of factual data, argument, or other proof in connection with the claim;~~

~~3. The meeting discussions will be recorded;~~

~~4. The claimant may contest the decision in writing (i.e., without a meeting);~~

~~5. The claimant may request copies (at claimant's expense) of the reimbursement file;~~

~~6. The claimant is required to notify the division in writing of their intention to contest the reimbursement decision within filing deadlines;~~

~~7. The claimant must specify in the written Notice of Intent whether the claimant seeks to contest the decision through a meeting or in writing only; and~~

~~8.]~~ Within the filing deadline, the claimant must submit a written summary of the issues that will be contested using the Reconsideration Claim Form.

D. The reconsideration procedures provide the division the opportunity to correct certain errors. The following types of errors can be corrected:

1. Failure of the reviewer to verify an Invoice Form that was received prior to completing the verification package for the reimbursement.

2. Errors the reviewer makes in verifying an Invoice Form.

3. Failure of the claimant to submit all invoices.

E. Notwithstanding the above, some types of errors cannot be corrected. It is the responsibility of the claimant or consultant, or both, to ensure that all application forms (Invoice Forms, and sampling and testing verification) are completely and accurately filled out. Failure to exercise proper care in preparing an application may result in a denial of costs, which cannot be corrected through the reconsideration process, including:

1. Items omitted from the Invoice Form will not be eligible for reimbursement.

2. Unverified sampling and testing results will not be eligible for reimbursement.

3. No additions or revisions to the Invoice Forms will be accepted from the claimant after the reviewer forwards the verification package to the division.

4. Using one invoice in multiple claims. Invoices submitted in an application cannot be used as documentation for reimbursement of costs in subsequent claims.

5. The following are types of errors that cannot be corrected:

a. Failure to claim performed work on the invoice.

b. Failure to claim sampling and testing costs as authorized.

c. Failure to claim all costs in a submitted invoice.

d. Failure to submit to the reviewer all supporting documentation to demonstrate the necessity of work performed that exceeds expected activities. Such documentation must be submitted before the reviewer forwards the verification package to the division.

12 VAC 5-585-750. Delayed payment of properly invoiced claims.

A. The Biosolids Fee Fund balance may fluctuate and may drop, due to increased claim filings and reduced revenue, to a level where it is no longer possible to pay all claims. When the fund balance approaches this level, VDH will take the necessary steps to increase the amount of the fee collected pursuant to § 62.1-44.19:3 of the State Water Control Law. During these cycles, VDH may find it necessary to implement delayed payment claim processing procedures or make partial payments based on moneys available in the Biosolids Fee Fund. An award to a county cannot exceed a total of \$4.00 per dry ton of biosolids land applied in that county during the period of time specified in the submitted invoice.

B. When delayed payment claim processing procedures are implemented, claims will be processed as usual, and once completed they will be placed on a release request listing. When decision packages are mailed out, claimants will be notified that their claim will be paid as money becomes available. Claims will be organized on the Release Request Listing in order by the week the claim was completed.

C. For claims completed within the same week, they will be listed in order by the received date. Each month, the division will determine the amount of revenue received that can be made available for claim payments, and claims will be released, with reimbursement of [~~at least~~ up to] \$2.50 [, as

adjusted,] per dry ton of biosolids land applied in that county during the period of time specified in the submitted invoice, based on their placement on the list. Claimants will receive a letter notifying them that the claim has been released, followed within seven to 10 days by a check.

D. Once higher revenue is received, claims will be released that have been delayed in earlier months, with reimbursement of [~~at least~~ up to] \$2.50 [, as adjusted,] per dry ton of biosolids land applied in that county during the period of time specified in the submitted invoice, prior to releasing any current claim payments. If sufficient revenue exists, then delayed claims exceeding \$2.50 [, as adjusted,] per dry ton of biosolids land applied in that county during the period of time specified in the submitted invoice may be released for reimbursement of up to \$4.00 per dry ton of biosolids land applied in that county [that month], based on their placement on the list. Due to possible fluctuations in claim amounts and revenues received, it may not be possible for the division to predict exactly how long delayed payment processing will continue.

NOTICE: The forms used in administering 12 VAC 5-585, Biosolids Use Regulations, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Health, 1500 E. Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Application for a Biosolids Use Construction or Operation Permit, 1997.

Biosolids Use/Treatment Works Construction Permit, 1997.

Biosolids Use/Treatment Works Operation Permit, 1997.

Form 1 Biosolids Land Application Local Monitoring Expenses - Reimbursement Invoice, 2002.

Form 2 Biosolids Land Application Fee – Reimbursement Multiple Owners Payment Assignment, 2002.

Form 3 Biosolids Land Application Fee – Reimbursement Notice of Intent to Seek Reconsideration, [2002 rev. 10/02].

Form 4 Biosolids Land Application Fee – Reimbursement Reconsideration Claim Form, [2002 rev. 10/02].

DOCUMENTS INCORPORATED BY REFERENCE

Glossary Water and Wastewater Control Engineering, 1969, American Public Health Association (APHA), American Society of Civil Engineers (ASCE), American Water Works Association (AWWA), and Water Environment Federation (WEF).

United States Environmental Protection Agency Guidelines Establishing Test Procedures for Analysis of Pollutants, 1989, National Technical Information Service, United States Department of Commerce.

Sampling Procedures and Protocols Used for the National Sewage Sludge Survey, EPA Office of Water Regulations and

Standards, March 1988, National Technical Information Service, United States Department of Commerce.

Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1992, American Public Health Association.

Environmental Regulations and Technology - Control of Pathogens and Vector Attraction in Biosolids, EPA-625/R-92/013, December 1992, United States Environmental Protection Agency.

VA.R. Doc. No. R02-112; Filed October 16, 2002, 10:52 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF SOCIAL WORK

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 7 of the Code of Virginia, which excludes regulations of the regulatory boards served by the Department of Health Professions pursuant to Title 54.1 that are limited to reducing fees charged to regulants and applicants. The Board of Social Work will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 18 VAC 140-20. Regulations Governing the Practice of Social Work (amending 18 VAC 140-20-30).

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Effective Date: April 23, 2003.

Summary:

The amendments reduce fees for licensed social workers and licensed clinical social workers for the next biennial renewal in order to reduce the surplus in its budget. Renewal fees will be reduced for licensed social workers from \$110 to \$55 and for licensed clinical social workers from \$125 to \$65. The amendments will result in a reduction in renewal fees for persons holding an inactive license, which are set in 18 VAC 140-20-100.

The affected licensees renew on a biennial basis, so the fee reduction will be effective for this renewal cycle ending on June 30, 2003. The board will return to the current renewal fees on June 1, 2005, in time for the next renewal of licenses.

Agency Contact: Ben Foster, Deputy Executive Director, Board of Counseling, 6603 West Broad Street, Richmond, VA 23230, telephone (804) 662-9575, FAX (804) 662-7250 or e-mail ben.foster@dhp.state.va.us.

18 VAC 140-20-30. Fees.

A. The board has established fees for the following:

1. Registration of supervision \$25

Final Regulations

2. Application processing	\$100
3. Biennial license renewal	
a. Registered social worker	\$35
b. Associate social worker	\$35
c. Licensed social worker	\$110
<i>(From June 1, 2003, to June 1, 2005, the biennial renewal shall be \$55)</i>	
d. Licensed clinical social worker	\$125
<i>(From June 1, 2003, to June 1, 2005, the biennial renewal shall be \$65)</i>	
4. Penalty for late renewal	\$10
5. Verification of license to another jurisdiction	\$10
6. Additional or replacement licenses	\$10
7. Additional or replacement wall certificates	\$15
8. Returned check	\$15
9. Reinstatement following disciplinary action	\$200

B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the board. All fees are nonrefundable.

NOTICE: The forms used in administering 18 VAC 140-20, Regulations Governing the Practice of Social Work, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Health Professions, 6603 West Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Registration of Supervision, ~~with Instructions~~ *Post-Graduate Degree Supervised Experience* (rev. 44/00 12/02).

Registration of Supervision Instructions (rev. 12/02).

Social Worker Licensure Application (rev. 44/00 12/02).

Clinical Social Worker Licensure Application (rev. 44/00 12/02).

Verification of Clinical Supervision (rev. 44/00 12/02).

Verification of Casework Management and Supportive Services (rev. 44/00 12/02).

Renewal Notice and Application, LSW, 0603 (rev. 44/00 2/03).

Renewal Notice and Application, LCSW, 0604 (rev. 2/03).

Out of State Licensure Verification (rev. 44/00 12/02).

Licensure Verification of Out-of-State Supervisor (rev. 44/00 12/02).

Form for Reporting Social Work Attendance at Formal Staffing (~~eff. 44/00~~ rev. 12/02).

Form for Reporting Social Work Independent Study (~~eff. 44/00~~ rev. 12/02).

General Information for Licensure by Examination as a Licensed Social Worker, with Application Instructions (rev. 44/00 12/02).

General Information for Licensure by Endorsement as a Licensed Social Worker, with Application Instructions (rev. 44/00 12/02).

General Information for Licensure by Examination as a Clinical Social Worker, with Application Instructions (rev. 44/00 12/02).

General Information for Licensure by Endorsement as a Clinical Social Worker, with Application Instructions (~~eff. 44/00~~ rev. 12/02).

~~Registration of Supervision Instructions~~ (rev. 44/00).

VA.R. Doc. No. R03-130; Filed February 26, 2003; 2:08 p.m.



TITLE 22. SOCIAL SERVICES

DEPARTMENT OF REHABILITATIVE SERVICES

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations provided such regulations do not differ materially from those required by federal law or regulation. The Department of Rehabilitative Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **22 VAC 30-20. Provision of Vocational Rehabilitation Services (amending 22 VAC 30-20-10 through 22 VAC 30-20-40, 22 VAC 30-20-60, 22 VAC 30-20-80 through 22 VAC 30-20-130, 22 VAC 30-20-150, 22 VAC 30-20-160, 22 VAC 30-20-170, 22 VAC 30-20-181, and 22 VAC 30-20-200; adding 22 VAC 30-20-95.)**

Statutory Authority: § 51.5-14 of the Code of Virginia.

Effective Date: April 24, 2003.

Agency contact: Elizabeth Smith, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Drive, P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7071, FAX (804) 662-7696, or e-mail smithee@drs.state.va.us.

Summary:

The amendments conform the existing state regulation on the provision of vocational rehabilitation services to the federal vocational rehabilitation regulations as follows:

1. Add new definitions, revises some existing definitions and deletes those definitions that are not used in the federal regulations;
2. Add a trial work experience requirement for eligibility determination;
3. Require the common intake application form to be available in One-Stop centers established under § 121 of the Workforce Investment Act of 1998;
4. Expand the factors that may not be considered in an eligibility assessment;
5. Stipulate personnel who can determine eligibility and adds an additional eligibility requirement for SSI and SSDI beneficiaries;
6. Change the term "individualized written rehabilitation program" to "individualized plan for employment," provide for the development of an individualized plan for employment, and change the required elements to be included in an individualized plan for employment, including items for individuals in supported employment;
7. Require that ineligible individuals be referred to the One-Stop delivery system;
8. Describe factors that may not be used in determining the order of selection of services, set out the factors that must be implemented in administering order of selection, and provide for a system of information and referral in order of selection;
9. Change (i) long-term vocational goal to employment outcome and (ii) the requirement for employment outcome to occur in most integrated setting to an integrated setting;
10. Expand the scope of vocational services for individuals that may be provided, change the description of certain services, and eliminate services that are no longer provided;
11. Change the list of services that are subject to financial need and add a financial need exemption for SSI and SSDI beneficiaries;
12. Change the list of services that are subject to a determination of comparable benefits;
13. Modify appeal provisions by adding mediation requirements, changing the time requirement for conducting a hearing, changing the procedures for a review of a hearing officer's decision, and adding civil action provisions; and
14. Change procedures for annual review of extended employment.

22 VAC 30-20-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise.

"Act" means the Rehabilitation Act of 1973 (29 USC § 701 et seq.), as amended.

"Applicant" means an individual who submits an application for vocational rehabilitation services.

"Appropriate modes of communication" means specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, the use of interpreters, open and closed captioned videos, specialized telecommunications services and audio recordings, Brailled and large-print materials, materials in electronic formats, augmentative communication devices, graphic presentations, and simple language materials.

"Assistive technology" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of an individual with a disability.

"Assistive technology service" means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device, including:

1. The evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in his customary environment;
2. Purchasing, leasing, or otherwise providing for the acquisition by an individual with a disability of an assistive technology device;
3. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
4. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
5. Training or technical assistance for an individual with a disability or, if appropriate, the family members, guardians, advocates, or authorized representatives of the individual; and
6. Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or others who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities, to the extent that training or technical assistance is necessary to the achievement of an employment outcome by an individual with a disability.

"Audiological examination" means the testing of the sense of hearing.

"Board" means the Board of Rehabilitative Services.

"Clear and convincing evidence" means that the designated state unit shall have a high degree of certainty before it can conclude that an individual is incapable of benefiting from services in terms of an employment outcome. The clear and convincing standard constitutes the highest standard used in our civil system of law and is to be individually applied on a case-by-case basis. The term "clear" means unequivocal. Given these requirements, a review of existing information

Final Regulations

generally would not provide clear and convincing evidence. For example, the use of an intelligence test result alone would not constitute clear and convincing evidence. Clear and convincing evidence might include a description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual's needs due to the severity of the individual's disability. The demonstration of clear and convincing evidence must include, if appropriate, a functional assessment of skill development activities, with any necessary supports (including assistive technology), in real life settings. (S. Rep. No. 357, 102d Cong., 2d. Sess. 37-38 (1992))

"Commissioner" means the Commissioner of the Department of Rehabilitative Services.

"Community rehabilitation program" means a program that directly provides or facilitates the provision of one or more of the following vocational rehabilitation services to individuals with disabilities to enable those individuals to maximize their opportunities for employment, including career advancement:

- 1. Medical, psychiatric, psychological, social, and vocational services that are provided under one management;*
- 2. Testing, fitting, or training in the use of prosthetic and orthotic devices;*
- 3. Recreational therapy;*
- 4. Physical and occupational therapy;*
- 5. Speech, language, and hearing therapy;*
- 6. Psychiatric, psychological, and social services, including positive behavior management;*
- 7. Assessment for determining eligibility and vocational rehabilitation needs;*
- 8. Rehabilitation technology;*
- 9. Job development, placement, and retention services;*
- 10. Evaluation or control of specific disabilities;*
- 11. Orientation and mobility services for individuals who are blind;*
- 12. Extended employment;*
- 13. Psychosocial rehabilitation services;*
- 14. Supported employment services and extended services;*
- 15. Services to family members, if necessary, to enable the applicant or eligible individual to achieve an employment outcome;*
- 16. Personal assistance services; or*
- 17. Services similar to the services described in subdivisions 1 through 16 of this definition.*

For the purposes of this definition, the word "program" means an agency, organization, or institution, or unit of an agency, organization, or institution, that directly provides or facilitates the provision of vocational rehabilitation services as one of its major functions.

"Comparable services and benefits" means services and benefits that are provided or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance or by employee benefits; available to the individual at the time needed to achieve the intermediate rehabilitation objectives in the individual's Individualized Written Rehabilitation Program (IWRP) ensure the individual's progress toward achieving the employment outcome in the individual's individualized plan for employment, and commensurate to the services that the individual would otherwise receive from the vocational rehabilitation agency. For the purposes of this definition, comparable benefits do not include awards and scholarships based on merit.

"Competitive employment" means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting, and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

"Department" means the Department of Rehabilitative Services.

"Designated state agency" or "state agency" means the sole state agency designated in accordance with 34 CFR 361.13(a) to administer or supervise local administration of the state plan for vocational rehabilitation services.

"Designated state unit" or "state unit" means either the state agency, vocational rehabilitation bureau, division, or other organizational unit that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities and that is responsible for the administration of the vocational rehabilitation program of the state agency as required under 34 CFR 361.13(b), or the independent state commission, board, or other agency that has is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, as its primary function of individuals with disabilities.

"Eligible individual" means an applicant for vocational rehabilitation services who meets the eligibility requirements of 22 VAC 30-20-30 and 22 VAC 30-20-40.

"Employment outcome" means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market to the greatest extent practicable; supported employment; or any other type of employment in an integrated setting including self-employment, telecommuting, or business ownership that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. (34 CFR 361.5(b) (16))

"Evaluation of vocational rehabilitation potential" means, as appropriate, in each case (i) a preliminary diagnostic study to determine that an individual is eligible for vocational rehabilitation services; (ii) a thorough diagnostic study consisting of a comprehensive evaluation of pertinent factors bearing on the individual's impediment to employment and vocational rehabilitation potential, in order to determine which vocational rehabilitation services may be of benefit to the individual in terms of employability; (iii) any other goods or

services necessary to determine the nature of the disability and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services in terms of an employment outcome; (iv) referral to other agencies or organizations, when appropriate; and (v) the provision of vocational rehabilitation services to an individual during an extended evaluation of rehabilitation potential for the purpose of determining whether the individual with a disability is capable of achieving an employment outcome.

"Extended employment" means work in a nonintegrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act (29 USC § 201 et seq.) ~~and any needed support services to an individual with a disability to enable the individual to continue to train or otherwise prepare for competitive employment, unless the individual through informed choice chooses to remain in extended employment.~~ (34 CFR 361.5(b) (20))

"Extended evaluation" means the provision of vocational rehabilitation services necessary for determination of rehabilitation potential.

"Extended services" as used in the definition of "supported employment" means ongoing support services and other appropriate services that are needed to support and maintain an individual with a most ~~severe~~ significant disability in supported employment and that are provided by a state agency, a private nonprofit organization, employer, or any other appropriate resource, from funds other than funds received under this section, 34 CFR Part 363, ~~34 CFR Part 376, or 34 CFR Part 380~~ after an individual with a most ~~severe~~ significant disability has made the transition from support provided by the designated state unit.

"Extreme medical risk" means a probability of substantially increasing functional impairment or death if medical services, including mental health services, are not provided expeditiously.

"Family member" or *"member of the family"* means an individual who is either a relative or guardian of an applicant or eligible individual, or lives in the same household as an applicant or eligible individual who has a substantial interest in the well-being of that individual and whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible individual to achieve an employment outcome.

"Higher education/institutions of higher education" means training or training services provided by universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing.

"Impartial hearing officer" means an individual who is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education); is not a member of the State Rehabilitation Advisory Council for the designated state unit; has not been involved in ~~previous decisions regarding~~ previously in the vocational rehabilitation of the applicant or eligible individual; has knowledge of the delivery of vocational rehabilitation services, the state plan, and the federal and state regulations governing the provision of services; has received training with

respect to the performance of official duties; and has no personal, professional, or financial interest that would be in conflict with the objectivity of the individual. An individual may not be considered to be an employee of a public agency for the purposes of this definition solely because the individual is paid by the agency to serve as a hearing officer. (34 CFR 361.5(b)(25))

"Individual who is blind" means a person who is blind within the meaning of the applicable state law.

"Individual with a disability," except as provided in ~~34 CFR 361.17(a), (b), (c), and (j), 34 CFR 361.19, 34 CFR 361.20, and 34 CFR 361.51(b)(2), 34 CFR 361.5(b)(29),~~ means an individual (i) who has a physical or mental impairment; (ii) whose impairment constitutes or results in a substantial impediment to employment; and (iii) who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services. (34 CFR 361.5(b)(28))

"Individual with a disability," for purposes of ~~34 CFR 361.17(a), (b), (c), and (j), 34 CFR 361.19, 34 CFR 361.20, and 34 CFR 361.51(b)(2), 34 CFR 361.5 (b)(14), 34 CFR 361.13(a), 34 CFR 361.13(b)(1), 34 CFR 361.17(a), (b), (c), and (j), 34 CFR 361.18(b), 34 CFR 361.19, 34 CFR 361.20, 34 CFR 361.23(b)(2), 34 CFR 361.29(a) and (d)(5) and 34 CFR 361.51(b),~~ means an individual (i) who has a physical or mental impairment that substantially limits one or more major life activities; (ii) who has a record of such an impairment; or (iii) who is regarded as having such an impairment. (34 CFR 361.5(b)(29))

"Individual with a most ~~severe~~ significant disability" means an individual who meets the designated state unit's criteria for an individual with a most ~~severe~~ significant disability. (34 CFR 361.5(b)(30))

"Individual with a ~~severe~~ significant disability" means an individual with a disability (i) who has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; (ii) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and (iii) who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation. (34 CFR 361.5(b)(31))

"Individual's representative" means any representative chosen by an applicant or eligible individual, *as appropriate*, including a parent, guardian, other family member, or advocate, unless a representative has been appointed by a court to represent

Final Regulations

the individual, in which case the court-appointed representative is the individual's representative. (34 CFR 361.5(b)(32))

"Integrated setting," with respect to the provision of services, means a setting typically found in the community in which applicants or eligible individuals interact with nondisabled individuals other than nondisabled individuals who are providing services to those applicants or eligible individuals. *"Integrated setting,"* with respect to an employment outcome, means a setting typically found in the community in which applicants or eligible individuals interact with nondisabled individuals, other than nondisabled individuals who are providing services to those applicants or eligible individuals, to the same extent that nondisabled individuals in comparable positions interact with other persons.

~~*"IWRP" means an individualized written rehabilitation program for each individual being provided services under an extended evaluation to determine rehabilitation potential or for a vocational rehabilitation program that describes all services to be provided and places primary emphasis on the determination and achievement of a vocational goal.*~~

"Local workforce investment board" means a local workforce investment board established under section 117 of the Workforce Investment Act of 1998. (34 CFR 361.5(b) (34))

~~*"Maintenance" means monetary support provided to an eligible individual or an individual receiving extended evaluation services for these expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the individual and that are necessitated by the individual's participation in a program of an assessment for determining eligibility and vocational rehabilitation services needs or the individual's receipt of vocational rehabilitation services under an individualized plan for employment. (34 CFR 361.5(b)(35))*~~

"Mediation" means the act or process of using an independent third party to act as a mediator, intermediary, or conciliator to assist persons or parties in settling differences or disputes prior to pursuing formal administrative or other legal remedies. Mediation under the program must be conducted in accordance with the requirements in 34 CFR 361.57(d) by a qualified impartial mediator. (34 CFR 361.5(b)(36))

"Mental disability" means (i) having a disability attributable to mental retardation, autism, or any other neurologically disabling condition closely related to mental retardation and requiring treatment similar to that required by mentally retarded individuals; or (ii) an organic or mental impairment that has substantial adverse effects on an individual's cognitive or volitional functions, including central nervous system disorders or significant discrepancies among mental functions of an individual.

"Nonprofit," with respect to a community rehabilitation program," means a community rehabilitation program carried out by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code of 1954 1986. (34 CFR 361.5(b)(37))

"Ongoing support services," as used in the definition of "supported employment," means services that are needed to support and maintain an individual with a most ~~severe~~ *significant* disability in supported employment; identified based on a determination by the designated state unit of the individual's needs as specified in an individualized ~~written rehabilitation program~~ *plan for employment*; and furnished by the designated state unit from the time of job placement until transition to extended services, unless post-employment services are provided following transition, and thereafter by one or more extended services providers throughout the individual's term of employment in a particular job placement or multiple placements if those placements are being provided under a program of transitional employment. These services must include an assessment of employment stability and provision of specific services or the coordination of services at or away from the worksite that are needed to maintain stability based on, at a minimum, twice-monthly monitoring at the worksite of each individual in supported employment; or if under ~~special~~ *specific* circumstances, especially at the request of the individual, the individualized ~~written rehabilitation program~~ *plan for employment* provides for off-site monitoring, twice-monthly meetings with the individual. These services must consist of any particularized assessment supplementary to the comprehensive assessment of rehabilitation needs described in this section; the provision of skilled job trainers who accompany the individual for intensive job skill training at the work site; job development and placement; social skills training; regular observation or supervision of the individual; follow-up services including regular contact with the employers, the individuals, the parents, family members, guardians, advocates or authorized representatives of the individuals, and other suitable professional and informed advisors in order to reinforce and stabilize the job placement; facilitation of natural supports at the worksite; any other service identified in the scope of vocational rehabilitation services for individuals described in 22 VAC 30-20-120; or any service similar to the foregoing services. (34 CFR 361.5(b)(38))

"Otolological examination" means any examination conducted by a physician skilled in otology.

"Personal assistance services" means a range of services provided by one or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability. The services must be designed to increase the individual's control in life and ability to perform everyday activities on or off the job. The services must be necessary to the achievement of an employment outcome and may be provided only while the individual is receiving other vocational rehabilitation services. The services may include training in managing, supervising, and directing personal assistance services.

"Physical and mental restoration services" means corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment; diagnosis of and treatment for mental or emotional disorders by qualified personnel in accordance with state licensure laws;

dentistry; nursing services; necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services; drugs and supplies; prosthetic, orthotic, or other assistive devices, including hearing aids; eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by personnel that are qualified in accordance with state licensure laws; podiatry; physical therapy; occupational therapy; speech or hearing therapy; mental health services; treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical and mental restoration services or that are inherent in the condition under treatment; special services for the treatment of individuals with end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies; and other medical or medically related rehabilitation services.

"Physical or mental impairment" means ~~an injury, disease, or other condition that materially limits, or if not treated is expected to materially limit, mental or physical functioning~~ any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculo-skeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic, and lymphatic, skin and endocrine; or any mental or psychological disorders such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (34 CFR 361.5(b)(41))

"Post-employment services" means one or more of the services identified in 22 VAC 30-20-120 that are provided subsequent to the achievement of an employment outcome and that are necessary for an individual to maintain, regain, or advance in employment consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, and interests *and informed choice*. (34 CFR 361.5(b)(42))

"Prevocational training" means individual and group instruction or counseling, the controlled use of varied activities, and the application of special behavior modification techniques; individuals or patients are helped to: (i) develop physical and emotional tolerance for work demands and pressures, (ii) acquire personal-social behaviors which would make them acceptable employees and coworkers on the job, and (iii) develop the basic manual, academic, and communication skills needed to acquire basic job skills.

"Prosthetic and orthotic appliances" means any mechanical equipment that improves or substitutes for one or more of man's senses or for impaired mobility or motor coordination.

"Public safety officer" means an individual who performs duties directly related to the enforcement, execution, and administration of law or fire prevention, firefighting, or related public safety activities, and whose substantially limiting condition arose from a disability sustained in the line of duty while performing as a public safety officer and the immediate cause of such disability was a criminal act, apparent criminal act, or a hazardous condition.

"Qualified and impartial mediator" means an individual who is not an employee of a public agency (other than an administrative law judge, hearing examiner, employee of a state office of mediators, or employee of an institution of higher education); is not a member of the State Rehabilitation Council for the designated state unit; has not been involved previously in the vocational rehabilitation of the applicant or eligible individual; is knowledgeable of the vocational rehabilitation program and the applicable federal and state laws, regulations, and policies governing the provision of vocational rehabilitation services; has been trained in effective mediation techniques consistent with any state approved or recognized certification, licensing, registration, or other requirements; and has no personal, professional, or financial interest that would be in conflict with the objectivity of the individual during the mediation proceedings. An individual serving as a mediator is not considered to be an employee of the designated state agency or designated state unit for the purposes of this definition solely because the individual is paid by the designated state agency or designated state unit to serve as a mediator. (34 CFR 361.5(b)(43))

"Rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to individuals with disabilities, and which provides singly or in combination one or more of the following services for individuals with disabilities: (i) vocational rehabilitation services, including under one management, medical, psychiatric, psychological, social, and vocational services; (ii) testing, fitting, or training in the use of prosthetic and orthotic devices; (iii) prevocational conditioning or recreational therapy; (iv) physical and occupational therapy; (v) speech and hearing therapy; (vi) psychological and social services; (vii) evaluation of rehabilitation potential; (viii) personal and work adjustment; (ix) vocational training with a view toward career advancement (in combination with other rehabilitation services); (x) evaluation or control of specific disabilities; (xi) orientation and mobility services and other adjustment services to individuals who are blind; and (xii) transitional or extended employment for those individuals with disabilities who cannot be readily absorbed in the competitive labor market.

"Rehabilitation technology" means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

"Services to groups" means the provision of facilities and services which may be expected to contribute substantially to the vocational rehabilitation of a group of individuals, but which are not related directly to the individualized rehabilitation program of any one individual with a disability.

"State" means the Commonwealth of Virginia.

"State plan" means the state plan for vocational rehabilitation services or the vocational rehabilitation services part of a consolidated rehabilitation plan under 34 CFR 361.10(c). (34 CFR 361.5(b)(51))

Final Regulations

"State workforce investment board" means a state workforce investment board established under § 111 of the Workforce Investment Act of 1998. (34 CFR 361.5(b)(49))

"Substantial impediment to employment" means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, and other related factors) hinders an individual from preparing for, entering into, engaging in, or retaining employment consistent with the individual's abilities and capabilities.

"Supported employment" means (i) competitive employment in an integrated setting ~~with ongoing support services for individuals with the most severe disabilities for whom competitive employment has not traditionally occurred, or for whom competitive employment has been interrupted or intermittent as a result of a severe disability; and who, because of the nature and severity of their disabilities, need intensive supported employment services from the designated state unit and extended services after transition in order to perform this work;~~ or employment in integrated work settings in which individuals are working toward competitive employment, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individuals with ongoing support services for individuals with the most significant disabilities for whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a significant disability; and who, because of the nature of their disabilities, need intensive supported employment services from the designated state unit and extended services after transition to perform this work or (ii) transitional employment for individuals with the most ~~severe~~ significant disabilities due to mental illness. (34 CFR 361.5(b)(53))

"Supported employment services" means ongoing support services and other appropriate services needed to support and maintain an individual with a most ~~severe~~ significant disability in supported employment that are provided by the designated state unit for a period of time not to exceed 18 months, unless under special circumstances the eligible individual and the rehabilitation counselor or coordinator jointly agree to extend the time in order to achieve the ~~rehabilitation objectives~~ employment outcome identified in the individualized ~~written rehabilitation program~~ plan for employment; and following transition, as post-employment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment. (34 CFR 361.5(b)(54))

"Transition services" means a coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based upon the individual student's needs, taking into account the student's preferences and interests, and must include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills

and functional vocational evaluation. Transition services must promote or facilitate the ~~accomplishment~~ achievement of long-term ~~rehabilitation goals and intermediate rehabilitation objectives~~ the employment outcome identified in the student's ~~IVRP~~ individualized plan for employment. (34 CFR 361.5(b)(55))

"Transitional employment," as used in the definition of "supported employment," means a series of temporary job placements in competitive work in integrated settings with ongoing support services for individuals with the most severe disabilities due to mental illness. In transitional employment, the provision of ongoing support services must include continuing sequential job placements until job permanency is achieved.

*"Transportation" means travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service, *including expenses for training in the use of public transportation vehicles and systems.* (34 CFR 361.5(b)(57))*

"Vocational rehabilitation services" means those services listed in 22 VAC 30-20-120.

"Work adjustment training" means a treatment and training process utilizing individual and group work, or work related activities, to assist individuals in understanding the meaning, value and demands of work; to modify or develop attitudes, personal characteristics, work behavior, and to develop functional capacities, as required in order to assist individuals toward their optimum level of vocational development.

22 VAC 30-20-20. Processing referrals and applications.

*A. Referrals. The ~~state plan~~ designated state unit must ~~assure that the designated state unit has established~~ establish and ~~implemented~~ implement standards for the prompt and equitable handling of referrals of individuals for vocational rehabilitation services, *including referrals of individuals made through the One-Stop service delivery systems established under § 121 of the Workforce Investment Act of 1998.* The standards must include timelines for making good faith efforts to inform these individuals of application requirements and to gather information necessary to initiate an assessment for determining eligibility and priority for services. (34 CFR 361.41(a))*

B. Applications.

*1. ~~The state plan must assure that~~ Once an individual has submitted an application for vocational rehabilitation services, an eligibility determination shall be made within 60 days, unless (i) exceptional and unforeseen circumstances beyond the control of the ~~agency~~ designated state unit preclude making a determination within 60 days and the designated state agency and the individual agree to a specific extension of time or (ii) *an exploration of the individual's abilities, capabilities, and capacity to perform in work situations is carried out in accordance with 22 VAC 30-20-50 or, if appropriate, an extended evaluation is necessary.* (34 CFR 361.41(b)(1))*

2. An individual is considered to have submitted an application when the individual or the individual's representative, as appropriate (i) has completed and signed

an agency application form, *a common intake application form in a One-Stop center requesting vocational rehabilitation services*, or has otherwise requested services from the designated state unit; (ii) has provided information to the designated state unit that is necessary to initiate an assessment to determine eligibility and priority for services; and (iii) is available to complete the assessment process. (34 CFR 361.41(b)(2))

3. The designated state unit shall ensure that its application forms are widely available throughout the state, *particularly in the One-Stop centers established under § 121 of the Workforce Investment Act of 1998*. (34 CFR 361.41(b)(3))

4. A face-to-face interview with the applicant is required.

22 VAC 30-20-30. Assessment for determining eligibility and priority for services.

~~The state plan must assure that~~ In order to determine whether an individual is eligible for vocational rehabilitation services and the individual's priority under an order of selection for services (if the state is operating under an order of selection), the designated state unit will conduct an assessment for determining eligibility and priority for services. The assessment must be conducted in the most integrated setting possible, consistent with the individual's needs and informed choice, and in accordance with the following provisions:

1. Eligibility requirements are applied without regard to race, age, gender, ~~creed~~, color, or national origin;
2. No applicant or group of applicants is excluded or found ineligible solely on the basis of the type of disability;
3. The eligibility requirements are applied without regard to the particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family, *or the type of expected employment outcome, or the source of referral for vocational rehabilitation services*; and
4. No duration of residence requirement is imposed that excludes from services any individual who is present in the state. (34 CFR 361.42(c).

22 VAC 30-20-40. Eligibility requirements.

A. Basic requirements. ~~The state plan must assure that the~~ designated state unit's determination of an applicant's eligibility for vocational rehabilitation services is based only on the following requirements: (i) a determination *by qualified personnel* that the applicant has a physical or mental impairment; (ii) a determination *by qualified personnel* that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant; (iii) a presumption, in accordance with subsection B of this section, that the applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services; and (iv) a determination *by a qualified vocational rehabilitation counselor employed by the designated state unit* that the applicant requires vocational rehabilitation services to prepare for, ~~enter into, engage in~~ *secure, or retain gainful or regain* employment consistent with

the applicant's strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.

B. Presumption of benefit. ~~The state plan must assure that the~~ designated state unit will presume that an applicant who meets the basic eligibility requirements in clauses (i) and (ii) of subsection A of this section can benefit in terms of an employment outcome unless it demonstrates, based on clear and convincing evidence, that the applicant is incapable of benefiting in terms of an employment from vocational rehabilitation services *due to the severity of the applicant's disability*.

C. ~~Limited~~ Presumption of eligibility for Social Security beneficiaries. ~~The designated state plan unit must assure that,~~ if an applicant has appropriate evidence, such as an award letter, that establishes the applicant's eligibility for Social Security benefits under Title II or Title XVI of the Social Security Act, the designated state unit will presume that the applicant (i) meets the eligibility requirements in clauses (i) and (ii) of subsection A of this section and (ii) ~~has a severe physical or mental impairment that seriously limits one or more functional capabilities in terms of an employment outcome is an individual with a significant disability as defined in 22 VAC 30-20-10~~.

D. Achievement of an employment outcome. *Any eligible individual, including an individual whose eligibility for vocational rehabilitation services is based on the individual being eligible for Social Security benefits under Title II or Title XVI of the Social Security Act, must intend to achieve an employment outcome that is consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.*

1. *The state unit is responsible for informing individuals, through its application process for vocational rehabilitation services, that individuals who receive services under the program must intend to achieve an employment outcome.*

2. *The applicant's completion of the application process for vocational rehabilitation services is sufficient evidence of the individual's intent to achieve an employment outcome, and no additional demonstration on the part of the applicant is required for purposes of satisfying this section.*

E. Interpretation of entitlement. *Nothing in this section is to be construed to create an entitlement to any vocational rehabilitation service.*

~~D.~~ F. Review and assessment of data for eligibility determination. Except as provided in 22 VAC 30-20-60, the designated state unit shall base its determination of each of the basic eligibility requirements in subsection A of this section on:

1. A review and assessment of existing data, including counselor observations, education records, information provided by the individual or the individual's family, information used by the Social Security Administration, and determinations made by officials of other agencies; and

2. To the extent existing data do not describe the current functioning of the individual or are unavailable, insufficient, or inappropriate to make an eligibility determination, an assessment of additional data resulting from the provision of

Final Regulations

vocational rehabilitation services, including assistive technology devices and services and worksite assessments, that are necessary to determine whether an individual is eligible.

G. Trial work experience for individuals with significant disabilities. Prior to any determination that an individual with a disability is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome because of the severity of that individual's disability, an exploration of the individual's abilities, capabilities, and capacity to perform in a realistic work situation is required in accordance with 34 CFR 361.42 to determine whether or not there is clear and convincing evidence to support such a determination.

22 VAC 30-20-60. Extended evaluation for individuals with severe significant disabilities.

A. Prior to any determination that an individual with a severe disability is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome because of the severity of the individual's disability, the state unit shall conduct an extended evaluation to determine whether there is clear and convincing evidence to support such a determination. Under limited circumstances, if an individual cannot take advantage of trial work experiences or if options for trial work experiences have been exhausted before the state unit is able to make an eligibility determination for vocational rehabilitation services, the state unit must conduct an extended evaluation to make the determination that (i) there is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of an employment outcome or (ii) there is clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome due to the severity of the individual's disability

B. During the extended evaluation period, which may not exceed 18 months, vocational rehabilitation services must be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the individual.

C. During the extended evaluation period, the designated state unit shall must develop a written plan for determining eligibility and for determining the nature and scope of services required to achieve an employment outcome providing services that are necessary to make the determinations in subsection A of this section. The state unit may provide during this period only those services that are necessary to make these two determinations. (34 CFR 361.42)

D. The state unit shall assess the individual's progress as frequently as necessary, but at least once every 90 days, during the extended evaluation period.

E. The state unit shall terminate extended evaluation services at any point during the 18-month extended evaluation period if the state unit determines that (i) there is sufficient evidence to conclude that the individual can benefit from vocational rehabilitation services in terms of an employment outcome or (ii) there is clear and convincing evidence that the individual is

capable incapable of benefiting from vocational rehabilitation services in terms of an employment outcome.

Clear and convincing evidence means that the designated state unit shall have a high degree of certainty before it can conclude that an individual is incapable of benefiting from services in terms of an employment outcome. The clear and convincing standard constitutes the highest standard used in our civil system of law and is to be individually applied on a case-by-case basis. The term clear means unequivocal. Given these requirements, a review of existing information generally would not provide clear and convincing evidence. For example, the use of an intelligence test result alone would not constitute clear and convincing evidence.

Clear and convincing evidence might include a description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual's needs due to the severity of the individual's disability. The demonstration of clear and convincing evidence must include, if appropriate, a functional assessment of skill development activities, with any necessary supports (including assistive technology), in real life settings. (S. Rep. No. 357, 102d Cong., 2d. Sess. 37-38 (1992))

22 VAC 30-20-80. Procedures for ineligibility determination.

A. Certification of ineligibility. The state plan must assure that If the state unit determines that an applicant is ineligible for vocational rehabilitation services or determines that an individual receiving services under an individualized written rehabilitation program plan for employment is no longer eligible for services, that state unit shall must:

1. Make the determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative.

2. Inform the individual in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the ineligibility determination, including the reasons for that determination, the requirements under this section and the means by which he the individual may express and seek remedy for any dissatisfaction, including the procedures for review of a state unit personnel determination by the rehabilitation counselor or coordinator in accordance with 22 VAC 30-20-181.

3. Provide the individual with a description of services available under the Client Assistance Program, Department for Rights of Virginians with Disabilities Virginia Office of Protection and Advocacy, and information on how to contact that program.

4. Refer the individual to other training or employment-related programs that are part of the One-Stop service delivery system under the Workforce Investment Act.

4. 5. Review within 12 months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome. This The review need

not be conducted in situations in which the individual has refused it, the individual is no longer present in the Commonwealth, the individual's whereabouts are unknown, or a the individual's medical condition is rapidly progressive or terminal.

B. Case closure without eligibility determination. The state ~~plan must assure that the state~~ unit may not close an applicant's record of services prior to making an eligibility determination unless the applicant declines to participate in, or is unavailable to complete an assessment for determining eligibility and priority for services, and the state unit has made a reasonable number of attempts to contact the applicant or, if appropriate, the applicant's representative to encourage the applicant's participation.

22 VAC 30-20-90. Order of selection for services.

A. In the event vocational rehabilitation services cannot be provided because of unavailable resources, to all persons determined to be eligible, upon recommendation by the commissioner, an order of selection system may be approved by the board which shall determine those persons ~~for whom to be provided services may be purchased~~. It shall be the policy of the department to encourage referrals and applications of all persons with disabilities and, to the extent resources permit, provide services to all eligible persons.

The following order of selection is implemented when services cannot be provided to all eligible persons:

1. Priority I. Person eligible and presently receiving services under an individualized ~~written rehabilitation program plan for employment~~.
2. Priority II. Those persons referred and needing diagnostic services to determine eligibility.
3. Priority III. Persons determined to be severely disabled.
4. Priority IV. Other persons determined to be disabled, in order of eligibility determination.

In all priorities preference shall be given to providing services to disabled public safety officers disabled in the line of duty.

B. An order of selection may not be based on any other factors, including (i) any duration of residency requirement, provided the individual is present in the state; (ii) type of disability; (iii) age, gender, race, color, or national origin; (iv) source of referral; (v) type of expected employment outcome; (vi) the need for specific services or anticipated cost of services required by the individual; or (vii) the income level of an individual or an individual's family.

C. In administering the order of selection, the designated state unit must (i) implement the order of selection on a statewide basis; (ii) notify all eligible individuals of the priority categories in a state's order of selection, their assignment to a particular category, and their right to appeal their category assignment; (iii) continue to provide all needed services to any eligible individual who has begun to receive services under an individualized plan for employment prior to the effective date of the order of selection, irrespective of the severity of the individual's disability; and (iv) ensure that its funding arrangements for providing services under the state plan,

including third-party arrangements and awards under the establishment authority, are consistent with the order of selection. If any funding arrangements are inconsistent with the order of selection, the designated state unit must renegotiate these funding arrangements so that they are consistent with the order of selection.

D. Consultation with the State Rehabilitation Council must include (i) the need to establish an order of selection, including any reevaluation of the need; (ii) priority categories of the particular order of selection; (iii) criteria for determining individuals with the most significant disabilities; and (iv) administration of the order of selection.

22 VAC 30-20-95. Information and referral services.

A. The designated state unit will implement an information and referral system adequate to ensure that individuals with disabilities, including eligible individuals who do not meet the state unit's order of selection criteria for receiving vocational rehabilitation services if the agency is operating on an order of selection, are provided accurate vocational rehabilitation information and guidance (which may include counseling and referral for job placement) using appropriate modes of communication to assist them in preparing for, securing, retaining, or regaining employment.

B. The state unit will refer individuals with disabilities to other appropriate federal and state programs, including other components of the statewide workforce investment system. In making these referrals, the designated state unit must:

1. Refer the individuals to federal or state programs, including programs carried out by other components of the statewide workforce investment system, best suited to address the specific employment needs of an individual with a disability; and
2. Provide the individual who is being referred (i) a notice of the referral by the designated state unit to the agency carrying out the program; (ii) information identifying a specific point of contact within the agency to which the individual is being referred; and (iii) information and advice regarding the most suitable services to assist the individual to prepare for, secure, retain, or regain employment.

22 VAC 30-20-100. The individualized ~~written rehabilitation program (IWRP)~~ plan for employment procedures.

A. General requirements.

1. ~~The IWRP~~ An individualized plan for employment meeting the requirements of this section shall be ~~initiated after certification of eligibility~~ developed and implemented in a timely manner for each individual determined to be eligible for vocational rehabilitation services, or, if the designated state unit is operating under an order of selection in accordance with 22 VAC 30-20-90, for each eligible individual to whom the state unit is able to provide services. Services will be provided in accordance with the provisions of the individualized plan for employment.

2. ~~The IWRP shall be initiated and periodically updated when information has been received that may necessitate a change, or at least annually. This shall be done for each~~

Final Regulations

client and for each applicant being provided services under an extended evaluation to determine rehabilitation potential.

2. The state unit must conduct an assessment for determining vocational rehabilitation needs, if appropriate, for each eligible individual or, if the state is operating under an order of selection, for each eligible individual to whom the state is able to provide services. The purpose of this assessment is to determine the employment outcome and the nature and scope of vocational rehabilitation services to be included in the individualized plan for employment.

a. To the extent possible, the employment outcome and the nature and scope of rehabilitation services to be included in the individualized plan for employment must be determined based on data from assessment of eligibility and priority of services under 22 VAC 30-20-30.

b. If additional data are necessary to determine the employment outcome and the nature and scope of services, the state unit must conduct a comprehensive assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment services, of the eligible individual, in the most integrated setting possible. In preparing the comprehensive assessment, the state unit must use, to the maximum extent possible and appropriate and in accordance with confidentiality requirements, existing information that is current as of the date of the development of the individualized plan for employment. This includes information (i) available from other programs and providers, particular information used by the education system and the Social Security Administration; (ii) information provided by the individual and the individual's family; and (iii) information obtained under the assessment for determining the individual's eligibility and vocational needs.

3. The individualized plan for employment shall be a written document prepared on forms provided by the state unit.

~~3.~~ 4. Vocational rehabilitation services shall be provided in accordance with the ~~IWRP~~ provisions of the individualized plan for employment. An eligible individual or, as appropriate, the individual's representative may develop all or part of the individualized plan for employment with or without assistance from the state unit or other entity. The ~~IWRP~~ ~~shall~~ individualized plan for employment must be developed jointly, agreed to, approved and signed by the qualified vocational rehabilitation counselor or coordinator employed by the designated state unit and the individual or, as appropriate, the individual's representative within the framework of a counseling and guidance relationship (34 CFR 361.45(b)(1)). The state unit shall establish and implement standards for the prompt development of ~~IWRPs~~ individualized plans for employment for the individuals identified in subdivision 1 of this subsection, including timelines that take into consideration the needs of the individual (34 CFR 361.45 (b)(2)).

4. 5. The state unit shall promptly provide each individual or, as appropriate, the individual's representative a written copy of the ~~IWRP~~ individualized plan for employment and its

amendments in the native language or appropriate mode of communication of the individual or, as appropriate, of the individual's representative (~~34 CFR 361.45(b)(7)~~).

~~5.~~ 6. The state unit shall advise in writing each individual or, as appropriate, the individual's representative of all state unit procedures and requirements affecting the development and review of an ~~IWRP~~ individualized plan for employment, including the availability of appropriate modes of communication (~~34 CFR 361.45 (b)(3)~~).

~~6.~~ In developing an ~~IWRP~~ 7. The individualized plan for employment for a student with a disability who is receiving special education services, the state unit must consider the student's individualized education program (34 CFR 361.45(b)(4)) must be coordinated with the IEP for that individual in terms of goals, objectives, and services identified in the IEP.

B. Individualized written rehabilitation program plan for employment review. The state unit shall review the ~~IWRP~~ plan with the individual or, as appropriate, the individual's representative as often as necessary, but at least once each year to assess the individual's progress in meeting achieving the objectives identified in the ~~IWRP~~ (34 CFR 361.45(b)(5)). The state unit shall assess the individual's progress as frequently as necessary, but at least once every 90 days, during an extended evaluation period (34 CFR 361.42(d)(4)). The state unit shall incorporate into the ~~IWRP~~ any revisions that are necessary to reflect changes in the individual's vocational goal, intermediate objectives, or vocational rehabilitation services, and shall obtain the agreement and signature of the individual or, as appropriate, of the individual's representative to the revisions (34 CFR 361.45(b)(6)) employment outcome. The plan may be amended as necessary if there are substantive changes in the employment outcome, the vocational rehabilitation services to be provided, or the providers of the vocational rehabilitation services. Amendments to the plan do not take effect until agreed to and signed by the individual or, as appropriate, the individual's representative and by a qualified vocational rehabilitation counselor employed by the designated state unit.

C. Review of ineligibility determination. If the state unit determines that an applicant is ineligible for vocational rehabilitation services or determines that an individual receiving services under an individualized written rehabilitation program plan for employment is no longer eligible for services, the state unit shall:

1. Make the determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative;

2. Inform the individual in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the ineligibility determination, including the reasons for that determination, the requirements under this section, and the means by which the individual may express and seek remedy for any dissatisfaction, including the procedures for review of a determination by the rehabilitation counselor or coordinator. The state unit shall provide the individual with a description of services available from the Client Assistance

Program, Department for Rights of Virginians with Disabilities Virginia Office of Protection and Advocacy, established under 34 CFR Part 370, and information on how to contact that program; and

3. Refer the individual to other training or employment-related programs that are part of the One-Stop delivery system under the Workforce Investment Act; and

3- 4. Review within 12 months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome. This review need not be conducted in situations in which the individual has refused it, the individual is no longer present in the state, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal (34 CFR 361.43).

22 VAC 30-20-110. Individualized (IWRP) plan for employment content.

A. Regardless of the option in 22 VAC 30-20-100 chosen by the eligible individual for developing the individualized plan for employment, each IWRP plan for employment must include, as appropriate, statements concerning the following:

1. A description of the specific long-term vocational goal employment outcome, which must be based on the assessment for determining vocational rehabilitation needs, including the individual's career interest, as defined in 22 VAC 30-20-10, that is chosen by the eligible individual and must be, to the extent appropriate and is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice of the individual, and results in employment in an integrated setting;

2. The specific intermediate rehabilitation objectives related to the attainment of the long-term vocational goal, based on the assessment for determining vocational rehabilitation needs and consistent with the informed choice of the individual;

3- 2. A description of the specific vocational rehabilitation services to be provided under 22 VAC 30-20-120 that are needed to achieve the established intermediate rehabilitation objectives employment outcome, including, if as appropriate, rehabilitation the provision of assistive technology devices and services and on-the-job and related personal assistance services, including training in the management of those services, and providing in the most integrated setting that is appropriate for the services involved and is consistent with the informed choice of the eligible individual;

4. The projected dates for the initiation of each vocational rehabilitation service, the anticipated duration of each service, and the projected timeframe for the achievement of the individual's vocational goal;

3. Timelines for the achievement of the employment outcome and for the initiation of services;

4. A description of the entity or entities chosen by the eligible individual or, as appropriate, the individual's representative that will provide the vocational rehabilitation services and the methods used to procure those services;

5. A procedure and schedule for periodic review and evaluation description of the criteria that will be used to evaluate progress toward achieving intermediate rehabilitation objectives based upon objective criteria achievement of the employment outcome;

6. How, in the words of the individual or, as appropriate, in the words of the individual's representative, the individual was informed about and involved in choosing among alternative goals, objectives, services, providers, and methods used to procure or provide services;

7- 6. The terms and conditions for of the provision of vocational rehabilitation services individualized plan for employment, including, as appropriate, information describing the responsibilities of the designated state unit, the responsibilities of the eligible individual will assume in implementing relation to achieving the IWRP employment outcome, the extent of the eligible individual's participation in paying for the cost of services, the extent to which goods and services will be provided in the most integrated settings possible consistent with the informed choice of the individual, the responsibility of the individual extent with regard to which applying for and securing comparable services and benefits are available to the individual under any other program as described in 22 VAC 30-20-170, and the entity or responsibilities of other entities that will provide the services and the process used to provide or procure the services as the result of arrangements made pursuant to comparable services or benefits requirements in 22 VAC 30-20-170;

8- 7. The rights of the individual under this part and the means by which the individual may express and seek remedy for any dissatisfaction, including the opportunity for a review of rehabilitation counselor or coordinator determinations made by designated state unit personnel;

9- 8. The availability of the Client Assistance Program, Department for Rights of Virginians with Disabilities, established under 34 CFR Part 370; and with the Virginia Office of Protection and Advocacy;

40- 9. The basis on which the individual has been determined to have achieved an employment outcome-;

10. A statement concerning the expected need for post-employment services prior to closing the record of services of an individual who has achieved an employment outcome;

11. A description of the terms and conditions for the provision of any post-employment services; and

12. If appropriate, a statement of how post-employment services will be provided or arranged through other entities as the result of arrangements made pursuant to the comparable benefits and services requirement.

B. Supported employment. In addition to the requirements in subsection A of this section, the individualized plan for employment for an individual with a most significant disability

Final Regulations

for whom supported employment has been determined appropriate must also:

1. Specify the supported employment services to be provided by the designated state unit;
2. Specify the expected extended services needed, which may include natural supports;
3. Identify the source of extended services or, to the extent that it is not possible to identify the source of extended services at the time the individualized plan for employment is developed, include a description of the basis for concluding that there is a reasonable expectation that those sources will become available;
4. Provide for periodic monitoring to ensure that the individual is making satisfactory progress toward meeting the weekly work requirement established in the individualized plan for employment by the time of transition to extended services;
5. Provide for the coordination of services provided under an individualized plan for employment with services provided under other individualized plans established under other federal or state programs;
6. To the extent that job skills training is provided, identify that the training will be provided on site; and
7. Include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of individuals with the most significant disabilities.

22 VAC 30-20-120. Scope of vocational rehabilitation services for individuals.

~~The following vocational rehabilitation services are available~~
As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's informed choice, ~~the designated state unit must ensure that the following vocational rehabilitation services are available to assist the individual with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice:~~

1. Assessment for determining eligibility and priority for services, and assessment for determining vocational rehabilitation needs; ~~and by qualified personnel including, if appropriate, an assessment by personnel skilled in rehabilitation technology in accordance with 22 VAC 30-20-10.~~
2. Vocational rehabilitation counseling and guidance, ~~and referral and other services necessary to help applicants and eligible individuals secure needed services from other agencies and to advise those individuals about the Client Assistance Program, Department for Rights of Virginians with Disabilities including information and support services to assist an individual in exercising informed choice.~~
3. Referral and other services necessary to assist applicants and eligible individuals to secure needed services from other agencies, including other components

~~of the statewide workforce investment system and to advise those individuals about the Client Assistance Program under the Virginia Office of Protection and Advocacy.~~

~~3. 4. Physical and mental restoration services necessary to remove or substantially reduce the disabling effects of a physical or mental condition, in accordance with the definition of 22 VAC 30-20-10, to the extent that financial support is not readily available from a source other than the designated state unit (such as through health insurance or comparable services as defined in 22 VAC 30-20-10).~~

a. These services include but are not limited to:

(1) Convalescent care, nursing or rest home care when the services are directly related to the vocational rehabilitation objective for an individual who needs continued medical supervision after department-sponsored treatment for his condition. This service must be recommended by the proper medical practitioner before the service is authorized and is contingent upon the individual being able to reengage in the vocational rehabilitation program. This service may be provided for 30 days, and the commissioner or his designee may approve an additional 30 days of service.

(2) Dentistry.

(3) Drugs and supplies. When medication is to be continuous (e.g., treatment of diabetes or epilepsy), and while the individual is receiving vocational training, the department may purchase medication during the training period and for a period not to exceed 90 days after achieving employment. When counseling, medication and placement are the only services provided, the department may pay for medication for a period not to exceed 90 days. Generic drugs shall be utilized when possible.

(4) Necessary hospitalization (either inpatient or outpatient care, in connection with surgery or treatment and clinic services). The department may pay for hospitalization for medical diagnosis, surgical or medical treatment when deemed necessary for the vocational rehabilitation of the individual and recommended by a licensed practitioner. Hospitalization shall be provided in hospitals, medically oriented treatment facilities, or continuing care facilities in Virginia or out of state, with which the department has a contract. Payment to hospitals, medically oriented treatment facilities, or continuing care facilities shall be made in accordance with the department fee schedules. The maximum period of hospitalization, excluding diagnostic, to be authorized based upon financial resources available to the department shall be 10 days. Extension of the maximum period of hospitalization shall be allowed when due to acute medical complications and emergencies associated with or arising out of the provision of physical or mental restoration services. Treatment of acute medical complications or emergencies which impact negatively on the individual's progress toward the individual's vocational goal shall be provided.

(5) Eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by personnel that are qualified in accordance with state licensure laws. These services may be provided to an individual when their visual disability, as established by an ophthalmological or an optometric examination, is of such severity that their employment opportunities are considerably limited. Visual services shall be provided by the department in accordance with the cooperative agreement established with the Department for the Blind and Vision Impaired. Visual aids may also be provided to individuals who are unable to satisfactorily pursue their vocational rehabilitation program due to impaired vision.

(6) Nursing services.

(7) Physical restoration in a rehabilitation facility.

(8) Physical and occupational therapy when prescribed by a doctor of medicine.

(9) Prosthetic, orthotic, or other assistive devices, including hearing aids. The department may purchase an original appliance only upon the recommendation of the medical specialist. When an individual has a history of satisfactory appliance use and the general medical examination report indicates no pathological change, this report may be sufficient medical basis for the replacement or repair of the appliance. The department shall purchase prosthetic or orthotic appliances from vendors approved in accordance with the department's vendor approval process.

(10) Mental health services or diagnosis of and treatment for mental or emotional disorders by qualified personnel in accordance with state licensure laws shall be provided by a psychiatrist or psychologist. If the department purchases the services from either, they must be qualified in the area of psychotherapy and be licensed in accordance with the laws of the Commonwealth. The maximum number of sessions to be sponsored shall be 27. If the individual needs additional psychotherapy, the department will make an effort to assist the individual in securing it.

(11) Speech or hearing therapy. Speech therapy may be provided to individuals when treatment is recommended by a speech pathologist who is licensed in accordance with the laws of the Commonwealth. Hearing aid orientation and lip reading may be provided when recommended by a specialist in hearing disabilities.

(12) Corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or substantially modify a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment.

(13) Podiatry.

(14) Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical and mental restoration services that are inherent in the condition under treatment.

(15) Special services for the treatment of individuals with end stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies.

(16) Chiropractic services, after consultation with a doctor of medicine.

(17) Cardiac exercise therapy for individuals who have had a myocardial infarction or a coronary bypass not more than six months prior to the recommended exercise therapy. A maximum of 24 sessions may be authorized.

(18) Other medical or medically related rehabilitation services.

b. Eligibility requirements.

(1) Stable or slowly progressive. The physical or mental condition must be stable or slowly progressive. The condition must not be acute or transitory, or of such recent origin that the resulting functional limitations and the extent to which the limitations affect occupational performance cannot be identified.

(2) Refusal of service. When an individual has a physical or mental disability with resulting limitations that constitute a handicap to employment, and when in the opinion of licensed medical personnel these limitations can be removed by physical or mental restoration services without injury to the individual, they shall not be eligible for any rehabilitation services, except counseling, guidance and placement if they refuse to accept the appropriate physical or mental restoration services. A second opinion may be provided at the individual's request. In the event of conflicting medical opinions, the department shall secure a third opinion and the decision shall be made on the two concurring opinions.

c. Provision of physical and mental restoration services. These services are provided only when:

(1) Recommended by a licensed practitioner;

(2) Services are not available from another source; and

(3) They are provided in conjunction with counseling and guidance, and other services, as deemed appropriate.

The department shall not make case expenditures for acute or intermediate medical care except for medical complications and emergencies which are associated with or arise out of the provision of Vocational Rehabilitation (VR) services under an ~~IWRP~~ *individualized plan for employment* and which are inherent in the condition under treatment.

d. Services not sponsored by the department. The board, in consultation with appropriate medical resources, shall

Final Regulations

determine those physical restoration services ~~which that~~ shall not be provided by the department. The following circumstances or conditions shall be considered:

- (1) Experimental procedures shall not be sponsored;
- (2) High risk procedures;
- (3) Procedures with limited vocational outcomes; and
- (4) Procedures with uncertain outcomes.

4. 5. Vocational and other training services, including personal and vocational adjustment training, books, tools, and other training materials, except that no training or training services in institutions of higher education (universities, colleges, community/junior colleges, vocational schools, technical institutes, or hospital schools of nursing) may be paid for with funds under this section unless maximum efforts have been made by the state unit and the individual to secure grant assistance in whole or in part from other sources to pay for that training.

All training services provided shall be related to attainment of the vocational objective or provide for the determination of eligibility for vocational rehabilitation services. Vocational training includes any organized form of instruction which provides the knowledge and skills essential for performing the tasks involved in an occupation. Vocational training may be obtained in institutions such as colleges, universities, business schools, nursing schools and trade and technical schools. It may also be obtained by on-the-job training, apprenticeship programs, tutorial training, or correspondence study.

a. Business schools and business colleges, trade and technical schools, and two-year college terminal courses. The training institution selected shall be approved in accordance with the department's vendor approval process.

b. College and university academic training.

(1) Academic requirements. The individual shall take sufficient academic credit hours based on the requirement of the college attended for classification as a full-time student, unless this is, in the opinion of the department, contraindicated by the individual's disability. Courses shall meet the institution's requirement towards the obtaining of the degree or certificate. Continuation of financial assistance by the department shall be dependent upon the individual maintaining a "C" average calculated on an academic year. When the individual fails to maintain a "C" average, assistance may be discontinued. The department's assistance may be reinstated when the individual completes one semester or quarter with a minimum of a "C" average.

Each individual shall be advised that failure to provide grades to the department shall be grounds for termination of departmental financial assistance.

(2) Graduate degree program. The department shall assist only individuals with severe disabilities in

securing a graduate degree and only when it is judged essential to achieving employment.

(3) Virginia colleges and universities. Vocational training, including college or university training, shall be provided by the department in any department approved institution located within the boundaries of the Commonwealth, unless such training is not available within the Commonwealth. Institutions in the areas of Washington, D.C.; Bristol-Johnson City-Kingsport, Tennessee; the city of Bluefield, West Virginia; and other cities where the services may be provided more effectively and economically and shall be treated as if located in Virginia.

(4) Tuition and mandatory fees. The department may pay tuition for college and university training in an amount not in excess of the highest amount charged for tuition by a state-supported institution or the rate published in the catalog, whichever is less, except where out-of-state college is necessary, published tuition costs may be paid.

Any individual enrolling into any college/university course or courses for the primary purpose of course or program certification and not for the purpose of obtaining a degree shall be exempt from the application of the annual maximum tuition rate.

(5) Scholarships and grants. Training services in institutions of higher education shall be paid for with departmental funds only after maximum efforts have been made by the individual to secure assistance in whole or in part from other sources; however, any individual eligible for vocational rehabilitation training services but not meeting the financial need test of the department may be provided an assistance grant annually in an amount not to exceed the equivalent of one quarter's tuition of a full time community college student.

c. Correspondence study. The correspondence study training may be authorized only when:

(1) The individual requires specific preliminary training in order to enter a training program or training cannot be arranged by any other method; and

(2) Satisfactory progress is maintained.

d. On-the-job training. The department may enter into agreements with employers in the private or public sector to provide on-the-job training services. The terms and conditions of each individual agreement shall be established by the department.

e. Part-time training. Part-time training may be utilized only when the severity of the individual's disability shall not allow the individual to pursue training on a full-time basis.

Part-time training shall be authorized only at department-approved facilities and schools.

f. Work adjustment training. Work adjustment training may be provided if needed for the individual to engage in

subsequent vocational rehabilitation services as indicated by the thorough diagnostic study assessment of medical, vocational, psychological, and other factors. This service may be provided only by the department or approved vendors.

g. Prevocational training. Prevocational training may be provided if needed for the individual to engage in subsequent vocational rehabilitation services as indicated by the thorough diagnostic study assessment of medical, vocational, psychological, and other factors. This service may be provided only by the department or approved vendors.

h. Tutorial training. Tutorial training may be provided if needed for the individual to achieve a vocational goal as indicated by the thorough diagnostic study assessment of medical, vocational, psychological and other factors. This service may be provided only by the department or approved vendors.

i. Other higher education training concerns.

(1) Required textbooks and supplies. The maximum amount of department financial assistance for required textbooks and supplies (pencils, paper, etc.) shall be \$400 annually for a normal school year or \$500 if summer school is attended.

(2) Required training materials. Training materials may be provided when required by the instructor.

~~6-~~ 6. Maintenance in accordance with the definition of that term in 22 VAC 30-20-10.

a. Clothes. Clothes are provided when specifically required for participation in a training program or for placement in a specialized job area as determined by the department.

b. Room, board and utilities. The maximum rate paid for room, board and utilities shall be established annually by the board.

c. Training cases. The maximum amount of department financial assistance for room and board at a training institution (college, vocational school, rehabilitation center facility), when the institution is able to provide room and board, shall not exceed the published room and board rates charged by the institution, or the actual cost, whichever is less.

d. While living at home. Maintenance shall be provided for an individual living at home only when the individual's income supports the family unit of the individual, when it is more cost effective for the department, or when it is in the best interest of the individual's vocational rehabilitation program based on mutual agreement of the rehabilitation counselor and the individual.

~~6-~~ 7. Transportation in connection with the rendering of any vocational rehabilitation service and in accordance with the definition of that term in 22 VAC 30-20-10. Transportation may include relocation and moving expenses necessary for achieving a vocational rehabilitation objective.

a. Transportation costs. The department shall pay the most economical rate for accessible public transportation.

When public transportation is not available, or the individual, because of disability, cannot travel by public transportation, transportation may be provided at a rate not to exceed \$0.12 a mile.

b. For and during training services. When the individual must live at the training location, the department may only pay for a one-way trip from the residence to the training location at the beginning of the training, and a one-way trip from the training location to the residence or job site at the conclusion of the training program. Transportation may be paid to and from the residence in case of emergency (severe illness, or death in family; acute business emergency or prolonged school closing such as Christmas holidays). Local bus fare may be furnished also. When the individual's physical condition is such that travel by public conveyance is impossible, taxi fare may be allowed from place of residence to training site and return. When the individual lives at home and the training site requires daily transportation, the cost of such transportation may be paid.

~~7-~~ 8. Vocational rehabilitation services to family members of an applicant or eligible individual if necessary to enable the applicant or eligible individual to achieve an employment outcome. Services to family members of the individual may be provided when such services may be expected to contribute substantially to the determination of rehabilitation potential or to the rehabilitation of the individual. In order for the department to furnish these services, they shall not be available from any other source.

a. Family member is defined as ~~any relative by blood or marriage living in the same household in 22 VAC 30-20-10.~~

b. Day care services for dependent children. The department may pay up to the amount paid per child, per day, by the local social services department in the locality in which the child is located. When more than one child is involved, rates for the additional children should be lower. When satisfactory accommodations can be secured at a rate lower than that paid by the local social services department, the lower rate shall be paid by the department.

~~8-~~ 9. Interpreter services and ~~note taking services, including sign language and oral interpreter services,~~ for individuals who are deaf; ~~or hard of hearing and tactile interpreting services for individuals who are deaf-blind; and reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind.~~

a. Upon request of the individual or as needed, these services may be provided at any stage during the rehabilitation process. Interpreting may be primarily in the form of sign language (manual method) or oral interpretation (oral method).

b. The department shall pay for interpreting services when these services contribute to the individual's

Final Regulations

vocational rehabilitation program ~~for those individuals who meet the department's financial need criteria.~~

c. The interpreter must be, whenever possible, certified by the National Registry of the Deaf, Virginia Registry of the Deaf, or approved by the Virginia Department for the Deaf and Hard-of-Hearing.

d. When individuals with deafness are in a training program, the department shall arrange for note taking or reader services, unless the individual indicates such service is not needed or desired.

~~9.~~ 10. Rehabilitation technology in accordance with the definition of that term in 22 VAC 30-20-10, including vehicular modification, telecommunications, sensory, and other technological aids and devices.

a. Telecommunications system. Services related to use of a telecommunications system shall meet established federal or state health and safety standards and be consistent with written state policies.

b. Sensory and other technological aids and devices. The department may provide electronic or mechanical pieces of equipment or hardware intended to improve or substitute for one or more of the human senses, or for impaired mobility, or motor coordination.

Services related to use of sensory and other technological aids and devices shall meet established federal or state health and safety standards and be consistent with state law and regulations.

(1) An otological evaluation may be, and an audiological examination is required before the department may purchase a hearing aid.

(2) The department shall purchase hearing aids only for those individuals identified as benefiting in terms of employability as a direct result of such aid.

(3) Cross and bicross aids may be purchased only when it is justifiable on the basis of the vocational objective.

(4) Eyeglasses and hearing aids may be purchased only when they are equal in performance in terms of volume and speech discrimination and if the cost is not higher than that of a comparable body aid or a behind the ear aid.

~~10. Recruitment and training services to provide new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement and other appropriate public service employment. These services shall be provided in accordance with the training criteria set forth in subdivision 12 b (4) of this section.~~

11. *Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent those resources are authorized to be provided through the statewide workforce investment system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome.*

~~11.~~ 12. Job search and placement ~~in~~ assistance and job retention services, *follow-up services, and follow-along services*. Placement shall be in accordance with the mutually agreed upon vocational objective and is the responsibility of the individual and the department, particularly the rehabilitation counselor.

~~12. Supported employment services in accordance with the definition of that term in 22 VAC 30-20-10; personal assistance services in accordance with the definition of that term in 22 VAC 30-20-10; and~~

13. Post-employment services in accordance with the definition of that term in 22 VAC 30-20-10.

a. Selection criteria. Any rehabilitated individuals may be considered for post-employment services. The department may evaluate with each individual the need for such services.

b. All of the following criteria shall be met for the selection of individuals to receive post-employment services:

(1) The individual has been determined to be rehabilitated;

(2) The disabling medical condition shall be stable or slowly progressive;

(3) Post-employment services are necessary to assist the individual in maintaining employment; and

(4) Solution of the problem does not require a complex or comprehensive rehabilitation effort, i.e., a new and distinct handicapping condition has not occurred which should be handled as a new case.

If needed services exceed any of the aforementioned conditions, the department may take a new application.

~~13.~~ 14. Supported employment services, in accordance with the definition of that term in 22 VAC 30-20-10, to any individual with ~~the a most severe disabilities significant disability~~ who:

a. Has not worked, or has worked only intermittently, in competitive employment.

b. Has been determined on the basis of any evaluation of rehabilitation and career needs, including a consideration of whether supported employment is a possible vocational outcome, to meet the eligibility criteria for the State Vocational Rehabilitation Services Program as established in federal regulations.

c. Has a need for ongoing support services in order to perform competitive work.

The following activities are authorized under this program:

a. Evaluation of rehabilitation and career needs of individuals with the most severe disabilities in terms of a supported employment outcome.

b. Development of and placement in jobs for individuals with the most severe disabilities.

c. Provision of time-limited services needed to support individuals with the most severe disabilities in employment including:

(1) Intensive on-the-job skills training provided by skilled job trainers, coworkers, and other qualified individuals.

(2) Ongoing support services needed to support and maintain an individual's supported employment placement. These must include, at a minimum, twice monthly monitoring to assess the individual's employment stability. Monitoring activities generally take place at the work site unless the individualized ~~written rehabilitation plan for employment~~ provides for off-site monitoring. If off-site monitoring is determined to be appropriate, it must, at a minimum, consist of two meetings with the individual and one contact with the employer each month.

(3) Follow-up services designed to reinforce and stabilize the job placement.

(4) Discrete post-employment services unavailable from the extended services provider that are necessary to maintain the job placement, including but not limited to job station redesign, repair and maintenance of assistive technology, and replacement of prosthetic and orthotic devices.

d. Transitional employment services for individuals with chronic mental illness may be provided under the State Supported Employment Program. Transitional employment means a series of temporary job placements in competitive work in an integrated work setting with ongoing support services. Ongoing support services must include continuing sequential job placements until job permanency is achieved.

e. The agency shall provide for the transition of an individual with the most severe disabilities to extended services no later than 18 months after placement in supported employment, unless a longer period to achieve job stabilization has been established in the individualized ~~written rehabilitation program plan for employment~~, before an individual with ~~the a most severe disabilities~~ *significant disability* makes the transition to extended services as defined in 22 VAC 30-20-10.

~~Supported employment services must be provided in an integrated work setting which means that (i) most employees at that work setting are not disabled; (ii) the supported employee interacts on a regular basis, in the performance of job duties, with employees who do not have disabilities; and (iii) if the supported employee is part of a distinct work group comprised only of individuals with disabilities, the work group consists of no more than eight individuals.~~

~~If there are no other employees or the only other employees are individuals who are part of a work group as described in clause (iii) above, the supported employee must interact on a regular basis, in the performance of job duties, with individuals without disabilities, including members of the general public. The required interaction cannot be satisfied~~

~~by contact between an individual with the most severe disabilities and individuals who provide ongoing support services at the job site.~~

44- 15. Occupational licenses, tools, equipment, initial stocks (including livestock), and supplies.

a. Licenses. Licenses required for entrance into selected vocations may be provided. These may be occupational or business licenses as required by the local governing body, state board examinations required by the Department of Professional and Occupational Regulation, and motor vehicle operator's license.

b. Tools and equipment. Tools and equipment shall be provided for an individual when:

(1) They are required for a job or occupation that is best suited to the utilization of their abilities and skills;

(2) The employer does not ordinarily furnish these articles; and

(3) They are for the exclusive use of the individual.

Such articles shall be for the individual's own use in the performance of his work and must remain in his possession and under his control as long as he engages in the job or occupation for which they are provided.

If the individual alleges that tools and equipment are stolen, the individual shall file a stolen property report with the local police.

Computer equipment and software shall be provided either if required as indicated in subdivision 44 15 b (1), (2) and (3) of this subsection or if it is necessary for vocational training. The department's financial participation in the cost of such equipment and software shall not exceed \$3,500.

c. Title retention and release. The department shall comply with state law on the retention of title and release of title of equipment to individuals.

d. Repossession of tools and equipment. The department shall repossess all occupational tools and equipment to which the department retains title when they are no longer being used for the purposes intended by the individual for whom they were purchased.

45- 16. Transition services in accordance with the definition of that term in 22 VAC 30-20-10.

17. *Personal assistance services in accordance with the definition of that term in 22 VAC 30-20-10.*

46- 18. Other goods and services determined necessary for the individual with a disability to achieve an employment outcome. These include, but are not limited to, such services as: peer counseling, independent living skills training, attendant care and attendant training if they can reasonably be expected to benefit an individual in terms of employability.

The department's financial participation in the cost of certain goods and services shall be limited as follows: home

Final Regulations

modifications, \$7,500; and vehicle modifications, \$7,500. The department shall not purchase or participate in the purchase of automotive vehicles.

~~47-~~ 19. Services to groups. The department may provide services to groups of individuals with disabilities when the services may contribute substantially to the needs of the group, although they are not related directly to the ~~IWRP individualized employment plan~~ of any one person with a disability.

22 VAC 30-20-130. Individuals determined to have achieved an employment outcome.

An individual is determined to have achieved an employment outcome only if the following requirements have been met:

1. The provisions of services under the individual's ~~IWRP individualized plan for employment~~ has contributed to the achievement of an employment outcome;
2. The employment outcome is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;
3. The employment outcome is ~~in the most an integrated setting possible, consistent with the individual's informed choice;~~
4. The individual has maintained the employment outcome for a period of at least 90 days; and
5. At the end of the appropriate period under this section, the individual and the rehabilitation counselor or coordinator consider the employment outcome to be satisfactory and agree that the individual is performing well on the job.

22 VAC 30-20-150. Written standards for facilities and providers of services.

The designated state unit shall establish, maintain, make available to the public, and implement written minimum standards for the various types of facilities and providers of services used by the state unit in providing vocational rehabilitation services, in accordance with the following requirements:

1. Accessibility of facilities. Any facility in which vocational rehabilitation services are provided must be accessible to individuals receiving services and must comply with the requirements of the Architectural Barriers Act of 1968, ~~the Uniform Accessibility Standards and their implementing regulations in 41 CFR Part 101, subpart 101-19.6,~~ the Americans with Disabilities Act of 1990, and § 504 of the Rehabilitation Act of 1973, as amended, ~~and regulations implementing these laws. (34 CFR 361.51)~~
2. Personnel standards.
 - a. Qualified personnel. Providers of vocational rehabilitation services shall use qualified personnel, in accordance with any applicable national or state approved or recognized certification, licensing, or registration requirements or, in the absence of these requirements, other comparable requirements (including state personnel requirements) that apply to the profession

or discipline in which that category of personnel is providing vocational rehabilitation services.

b. Affirmative action. Providers of vocational rehabilitation services shall take affirmative action to employ and advance in employment qualified individuals with disabilities.

c. Special communication needs personnel. Providers of vocational rehabilitation services shall include among their personnel, or obtain the services of, individuals able to communicate in the native languages of applicants and eligible individuals who have limited English speaking ability; and ensure that appropriate modes of communication for all applicants and eligible individuals are used.

3. Fraud, waste, and abuse. Providers of vocational rehabilitation services shall have adequate and appropriate policies and procedures to prevent fraud, waste, and abuse.

22 VAC 30-20-160. Participation of individuals in the cost of services based on financial need.

A. A financial need test is established because of the limited resources of the department.

B. A financial need test shall be utilized to determine the extent of participation by eligible individuals or individuals receiving services during an extended evaluation in the cost of vocational rehabilitation services.

1. The state unit shall maintain written policies covering the determination of financial need;
2. The state plan must specify the types of vocational rehabilitation services for which the unit has established a financial needs test. No financial needs test shall be applied and no financial participation shall be required as a condition for furnishing the following vocational rehabilitation services assessment for determining eligibility and priority for services, except those nonassessment services that are provided during an extended evaluation for an individual with a ~~severe~~ significant disability; assessment for determining vocational rehabilitation needs; counseling, guidance and referral services, ; ~~interpreter and reader services; personal assistance services;~~ placement services; on-the-job training; and unpaid work experience. Also excluded from financial participation shall be services necessary to assist in the diagnostic and evaluation process, such as transportation, maintenance, and interpreter service for the deaf. Services which require an economic need test are: physical and mental restoration; training other than on-the-job training (OJT); maintenance; transportation; services to family members; ~~interpreter and reader services;~~ telecommunications; recruitment and training services; post-employment; occupational licenses and other goods and services.
3. The policies must be applied uniformly to all individuals in similar circumstances; the policies may require different levels of need for different geographic regions in the state, but must be applied uniformly to all individuals within each geographic region; and the policies must ensure that the level of an individual's participation in the cost of vocational rehabilitation services is reasonable based on the

individual's financial need, including consideration of any disability-related expenses paid by the individual, and not so high as to effectively deny the individual a necessary service.

C. Groups exempt are:

1. Recipients of General Relief;
2. Recipients of Temporary Assistance for Needy Families (TANF) by the individual or family on which the individual is dependent; and
3. *Individuals determined eligible for Social Security benefits under Titles II or XVI of the Social Security Act.*

D. Income and resources of the family are to be used when the client is a part of the family unit. The client is a part of the parent or legal guardian family unit upon occurrence of either:

1. Dependency of support evidenced on the last federal income tax return of the parent or legal guardian regardless of residency; or
2. When temporarily absent from the home due to illness, school, vacation, or military leave.

E. The financial need test shall consider the following income:

1. Annual taxable income (gross income).
2. Annual nontaxable income such as social security, retirement benefits, workers' compensation, and veterans' benefits.
3. Total cash assets, including checking and savings accounts, certificates, stocks, and bonds.

F. The financial need test shall provide for the following allowances and exclusions:

1. The gross income shall be adjusted by the percentage indicated in the table below:

Gross Income	Allowance
Under \$10,000	15%
\$10,000 to \$14,999	20%
\$15,000 to \$24,999	25%
\$25,000 to \$34,999	30%
Over \$34,999	35%

2. Income shall be excluded from consideration based upon family size using the table below:

Size of Family	Income Exclusion
1	\$10,608
2	\$13,143
3	\$15,678
4	\$18,213
5	\$20,748
6	\$23,283
7	\$25,818
8	\$28,353

For each additional dependent, add \$2,535.

The table above is based upon the federal law income for a family of four. It shall be updated annually by the department.

3. Excluded from income shall be estimated client cost specifically related to the client's disability and not covered by comparable services and benefits.

4. Excluded from cash assets is \$5,000.

5. Individual retirement accounts shall be excluded from income considerations.

G. Determination of the annual client financial contribution results from an examination of: (i) the number of persons in the family unit; (ii) annual taxable income minus allowances; (iii) annual nontaxable income; (iv) cash assets minus exclusions; and (v) exceptional exclusions based on client cost specifically related to client's disability.

The financial resources to be considered shall be tabulated using the method noted herein. The positive balance (resources exceeding exclusions) shall be determined to be available for participation in the rehabilitation program.

22 VAC 30-20-170. Availability of comparable services and benefits.

A. Prior to providing any vocational rehabilitation services to an eligible individual or to members of the individual's family, except those services listed in subsection D of this section, the state unit shall determine whether comparable services and benefits *as defined in 22 VAC 30-20-10* exist under any other program and whether those services and benefits are available to the individual.

B. If comparable services or benefits exist under any other program and are available to the eligible individual at the time needed to achieve the rehabilitation objectives in the individual's ~~WRP~~ *individualized plan for employment*, the state unit shall use those comparable services or benefits to meet, in whole or in part, the cost of vocational rehabilitation services.

C. If comparable services or benefits exist under any other program but are not available to the individual at the time needed to achieve the rehabilitation objectives in the individual's ~~WRP~~ *individualized plan for employment*, the state unit shall provide vocational rehabilitation services until those comparable services and benefits become available.

D. The following services are exempt from a determination of the availability of comparable services and benefits under subsection A of this section: assessment for determining eligibility and priority for services; assessment for determining vocational rehabilitation needs; vocational rehabilitation counseling, guidance, and referral services; ~~vocational and other training services, such as personal and vocational adjustment training, books (including alternative format books accessible by computer and taped books), tools, and other training materials in accordance with 34 CFR 361.48(a)(6);~~ *job-related services, including job search and placement services; job retention services, follow-up services; rehabilitation technology; and post-employment services consisting of those services listed in this subsection.*

E. The requirements of subsection A of this section also do not apply if the determination of the availability of comparable services and benefits under any other program would delay the provision of vocational rehabilitation services to any

Final Regulations

individual who is determined to be at extreme medical risk based on medical evidence provided by an appropriate qualified medical professional; or an immediate job placement would be lost due to a delay in the provision of comparable services and benefits.

22 VAC 30-20-181. Review of rehabilitation counselor or coordinator determinations.

A. The ~~designated state plan unit~~ must ~~contain~~ establish and implement procedures, including standards of review under ~~subdivision~~ subsection D 7 of this section, established by the Commissioner of the Department of Rehabilitative Services to ensure that any applicant or eligible individual who is dissatisfied with any determinations made by a rehabilitation counselor or coordinator concerning the furnishing or denial of services may request, or, if appropriate, may request through the individual's representative, a timely review of those determinations. The procedures established by the Commissioner of the Department of Rehabilitative Services must be in accordance with this section.

B. Informal resolution. The Department of Rehabilitative Services may establish an informal process to resolve a request for review without conducting *mediation* or a formal hearing. However, the informal process must *not* be used to deny the right of an applicant or eligible individual to a hearing under subsection D of this section or mediation under subsection C of this section. The informal resolution or the mediation process or both must be conducted and concluded within the time period established under subdivision D 1 of this section for holding a formal hearing. If *neither* the informal resolution *nor* mediation is ~~not~~ successful, a formal hearing must be conducted by the end of this same period, unless the parties agree to a specific extension of time.

G. Formal hearing procedures:

1. Impartial hearing officer means an individual who:

- ~~a. Is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education);~~
- ~~b. Is not a member of the State Rehabilitation Advisory Council for the Department of Rehabilitative Services;~~
- ~~c. Has not been involved in previous decisions regarding the vocational rehabilitation of the applicant or eligible individual;~~
- ~~d. Has knowledge of the delivery of vocational rehabilitation services, the state plan, and the federal and state regulations governing the provision of services;~~
- ~~e. Has received training with respect to the performance of official duties; and~~
- ~~f. Has no personal, professional, or financial interest that would be in conflict with the objectivity of the individual.~~

~~2. An individual may not be considered to be an employee of a public agency for the purposes of this definition solely because the individual is paid by the agency to serve as a hearing officer.~~

C. The department shall establish mediation procedures that allow an applicant or eligible individual and the state unit to resolve disputes. The procedures shall provide that:

1. The mediation process is conducted by a qualified and impartial mediator as defined in 22 VAC 30-20-10 who must be selected from a list of qualified and impartial mediators maintained by the state;
2. Mediation be available, at a minimum, whenever an applicant, eligible individual or, as appropriate, the individual's representative requests an impartial due process hearing under this section;
3. Participation in the mediation process is voluntary on the part of the applicant or eligible individual, as appropriate, and on the part of the state unit;
4. The mediation process not be used to deny or delay the applicant or eligible individual's right to pursue resolution of the dispute through a formal hearing process in the time specified in subsection D of this section or any other rights provided under this part;
5. Either party or the mediator may elect to terminate mediation at any time and pursue resolution through a formal hearing if desired;
6. Mediation sessions are scheduled and conducted in a timely manner and held in a location and manner convenient to the parties in dispute;
7. Discussions that occur during mediation remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding and parties may be required to sign a confidentiality pledge prior to mediation;
8. Any agreement reached by the parties to the dispute will be described in a written mediation agreement that is develop by the parties with the assistance of the mediator, signed by both parties, with a copy given to both parties; and
9. The cost of the mediation process will be paid by the state, but the state is not required to pay for any costs related to the representation of an applicant or eligible individual.

D. The department shall establish formal review procedures that provide that:

1. A hearing by an impartial hearing officer, selected in accordance with subsection E of this section, must be held within ~~45~~ 60 days of an individual's request for review, unless informal resolution is achieved prior to the ~~45th~~ 60th day or the parties agree to a specific extension of time;
2. The department may not institute a suspension, reduction, or termination of services being provided under an ~~WRP~~ individualized plan for employment pending a final determination of the formal hearing under this subdivision ~~or~~, informal resolution under subsection B of this section, or mediation under subsection C of this section unless the individual or, in an appropriate case, the individual's representative so requests or the agency has evidence that the services have been obtained through misrepresentation,

fraud, collusion, or criminal conduct on the part of the individual or the individual's representative;

3. The individual or, if appropriate, the individual's representative must be afforded an opportunity to present additional evidence, information, and witnesses to the impartial hearing officer, to be represented by counsel or other appropriate advocate, and to examine all witnesses and other relevant sources of information and evidence;

4. The impartial hearing officer shall make a decision based on the provisions of the approved state plan, the federal Rehabilitation Act of 1973 as amended (the Act), federal vocational rehabilitation regulations, and state regulations and policies that are consistent with federal requirements and shall provide to the individual or, if appropriate, the individual's representative and to the commissioner a full written report of the findings and grounds for the decision within 30 days of the completion of the hearing;

~~5. If the commissioner decides to review the decision of the impartial hearing officer, the commissioner shall notify in writing the individual or, if appropriate, the individual's representative of that intent within 20 days of the mailing of the impartial hearing officer's decision; The hearing officer's decision is final, except that a party may request an impartial review under subdivision 6 of this subsection if the state has established procedures for review, and a party involved in a hearing may bring a civil action under subsection H of this section;~~

~~6. If the commissioner fails to provide the notice required by subdivision 5 of this subsection, the impartial hearing officer's decision becomes a final decision. The state may establish procedures to enable a party who is dissatisfied with the decision of the impartial hearing officer to seek an impartial administrative review of the decision consistent with 34 CFR 361.57;~~

~~7. The decision of the commissioner to review any impartial hearing officer's decision must be based on the standards of review contained in written departmental policy.~~

~~8. If the commissioner decides to review the decision of the impartial hearing officer, the commissioner shall provide the individual or, if appropriate, the individual's representative an opportunity to submit additional evidence and information relevant to the final decision;~~

~~9. The commissioner may not overturn or modify a decision, or part of a decision, of an impartial hearing officer that supports the position of the individual unless the commissioner concludes, based on clear and convincing evidence, that the decision of the impartial hearing officer is clearly erroneous because it is contrary to the approved state plan, the federal Rehabilitation Act, federal vocational rehabilitation regulations, or state regulations or policies that are consistent with federal requirements;~~

~~10. Within 30 days of providing notice of intent to review the impartial hearing officer's decision, the commissioner shall make a final decision and provide a full report in writing of the decision, including the findings and the statutory, regulatory, or policy grounds for the decision, to the individual or, if appropriate, the individual's representative;~~

~~11. The commissioner may not delegate responsibility to make any final decision to any other officer or employee of the Department of Rehabilitative Services; and~~

~~12- 7. Except for the time limitations established in subdivisions subdivision 1 and 5 of this subsection, each state's review procedures may provide for reasonable time extensions for good cause shown at the request of a party or at the request of both parties.~~

E. Selection of impartial hearing officers. The impartial hearing officer for a particular case must be selected (i) from among the pool of persons qualified to be an impartial hearing officer, as defined in 34 CFR 361.5(b)(22) and 29 USC § 722(b) and (d), who are identified jointly by the Department of Rehabilitative Services and those members of the State Rehabilitation Advisory Council designated in § 102(d)(2)(C) of the Act (29 USC § 722(b) and (d)) and (ii) on a random basis.

F. Informing affected individuals. The department shall inform, through appropriate modes of communication, all applicants and eligible individuals of:

1. Their right to review under this section, including the names and addresses of individuals with whom appeals may be filed; and

2. The manner in which an impartial hearing officer will be selected consistent with the requirements of subsection E of this section.

G. Implementation of final decisions. If a party brings a civil action under subsection H of this section to challenge the final decision of a hearing officer under subsection D of this section or to challenge the final decision of a state reviewing official under subsection D of this section, the final decision of the hearing officer or state reviewing official must be implemented pending review by the court.

H. Civil action. Any party who disagrees with the findings or decisions of an impartial hearing officer under subdivision D 4 of this section if the state that has not established administrative review procedures under subdivision D 6 of this section, and any party who disagrees with the findings and decision under subdivision D 6 of this section, if the state has established an administrative review procedure, has a right to bring civil action with respect to the matter in dispute. The action may be brought in any state court of competent jurisdiction or in a district court of the United States of competent jurisdiction without regard to the amount in controversy. In any action brought under this section, the court receives the records related to the impartial due process hearing and the records related to the administrative review, if applicable; hears additional evidence at the request of a party; and basing its decision on the preponderance of the evidence, grants the relief that the court determines to be appropriate.

22 VAC 30-20-200. Review of extended employment and other employment under special certificate provisions of the Fair Labor Standards Act.

A. For two years after the individual's record of services is closed (and thereafter if requested by the individual or, if appropriate, the individual's representative), the state unit shall annually review and reevaluate at least annually the

Final Regulations

status of each individual determined by the state unit to have achieved an employment outcome in an ~~extended employment setting in a community rehabilitation program or other employment setting~~ in which the individual is compensated in accordance with § 14(c) of the Fair Labor Standards Act *or whose record of services is closed while the individual is in extended employment on the basis that the individual is unable to achieve an employment outcome consistent with 22 VAC 30-20-10 or that the individual made an informed choice to remain in extended employment.* This review or reevaluation must include input from the individual or, in an appropriate case, the individual's representative to determine the interests, priorities, and needs of the individual ~~for with respect to competitive employment in an integrated setting in the labor market.~~

B. The state unit shall make maximum effort, including the identification of vocational rehabilitation services, reasonable accommodations, and other support services, to enable the eligible individual to ~~benefit from training in or to be placed in an integrated setting~~ *engage in competitive employment.*

C. The state unit shall ~~provide services designed to promote movement from extended employment to integrated employment, including supported employment, independent living, and community participation~~ *obtain the individual's or, as appropriate, the individual's representative's signed acknowledgement that the review and reevaluations have been conducted.*

VA.R. Doc. No. R03-127; Filed February 21, 2003; 3:46 p.m.

◆ ————— ◆

FORMS

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Bureau of Insurance

EDITOR'S NOTICE: The following forms have been filed by the State Corporation Commission. The revised forms include only minor technical changes. The forms are available for public inspection at the State Corporation Commission, 1300 East Main Street, Richmond, Virginia 23219, or the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia. Copies of the forms may be obtained from Raquel Pino-Moreno, State Corporation Commission, 1300 East Main Street, Richmond, Virginia 23219, P.O. Box 1157, Richmond, Virginia, 23218, telephone (804) 371-9499 or e-mail rpino@scs.state.va.us.

Title of Regulation: **14 VAC 5-260. Rules Governing Insurance Holding Companies.**

FORMS

Form A, Instructions for Application for Approval of Acquisition of Control of or Merger with a Domestic Insurer *Pursuant to § 38.2-1323 of the Code of Virginia (rev. 2/03).*

Form B, Instructions for Insurance Holding Company System Annual Registration Statement *Pursuant to § 38.2-1329 of the Code of Virginia (rev. 2/03).*

Form C, Instructions for Summary of Registration Statement *Pursuant to § 38.2-1329 of the Code of Virginia (rev. 2/03).*

Form D, Instructions for ~~§ 38.2-1331~~ Prior Notice and Application for Approval of Certain Transactions *Pursuant to § 38.2-1331 of the Code of Virginia (rev. 2/03).*

Form E, Instructions for an Acquisition Statement Reporting Competitive Impact Data *Pursuant to § 38.2-1323 of the Code of Virginia (rev. 2/03).*

Form F, Instructions for Notice of Dividends and Distributions to Shareholders *Pursuant to §§ 38.2-1329 E and 38.2-1330 C of the Code of Virginia (rev. 2/03).*



GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 3, 2003

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE-2003-00062

In the Matter of Developing
Consensus Recommendations on
Stranded Costs

ORDER ESTABLISHING PROCEEDING

By resolution adopted on January 27, 2003, the General Assembly's Legislative Transition Task Force (LTTF)¹ requested the Virginia State Corporation Commission ("Commission") to convene a work group composed of representatives of the Commission Staff, the Office of the Attorney General, incumbent electric utilities, suppliers, and retail customers to develop consensus recommendations on stranded costs.² By July 1, 2003, the Commission will submit to the LTTF the work group's consensus recommendations on:

- (a) Definitions of "stranded costs" and "just and reasonable net stranded costs."
- (b) A methodology to be applied in calculating each incumbent electric utility's just and reasonable net stranded costs, amounts recovered, or to be recovered, to offset such costs, and whether such recovery has resulted in or is likely to result in the overrecovery or underrecovery of just and reasonable net stranded costs

Requested Actions paragraph 2, LTTF Resolution of Jan. 27, 2003 (hereinafter LTTF Resolution), at 1.

The Commission is to report by November 1, 2003, the work group's consensus recommendations on:

- (a) The amount of each incumbent electric utility's just and reasonable net stranded costs.
- (b) The amount that each incumbent electric utility has received, and is expected to receive over the balance of the capped rate period, to offset just and reasonable net stranded costs from capped rates and from wires charges.

Requested Actions paragraph 3, LTTF Resolution at 1.

The LTTF also directed the Commission to:

Include in its reports to the Legislative Transition Task Force any recommendations for legislative or administrative action that the Commission, the work group, or both, determine to be appropriate in order to address any overrecovery or underrecovery of just and reasonable net stranded costs.

¹ The LTTF was established by § 56-595 of the Code of Virginia "to work collaboratively with the Commission in conjunction with the phase-in of retail competition," and it is comprised of 10 legislators.

² A copy of the LTTF's Resolution provided by the staff of the LTTF to the Commission Staff is attached to this Order.

Requested Actions paragraph 9, LTTF Resolution at 2.

The LTTF resolution does not require the Commission to promulgate rules governing any aspect of stranded costs or to make any ruling or finding in either its judicial or legislative capacity. The Commission will not enter a final order in this proceeding. While the Commission will docket this matter, our Rules of Practice and Procedure will not apply. Rather, we will establish procedures in this Order guided by the LTTF's resolution.

Our first task is to convene a work group. Requested Actions paragraph 1 of the LTTF Resolution, at 1, provides that the work group should consist of "such persons as the Commission deems appropriate to represent" various identified groups. While the resolution provides for Commission oversight of the representatives, we find that self-nomination is appropriate for formation of the work group. Based on our experience in related proceedings involving retail competition, the Commission is confident that a variety of individuals representing the groups listed in Requested Actions paragraph 1 will express an interest in the work group. We are also confident that these persons will work in good faith as requested by the LTTF in Requested Actions paragraph 7.

The Commission will not limit the size of the work group or require some proportional representation of the groups identified in Requested Actions paragraph 1. If, at any point, it appears that incumbent electric utilities, suppliers, or retail customers are not adequately represented, the Commission will use its best efforts to recruit additional persons to assure representation of all interests. We will establish procedures for providing notice of the convening of the work group.

The LTTF has identified one other issue, which the Commission will address. The Commission must determine whether the work group has access to necessary information, and we must also take measures to bar unauthorized disclosure of stranded cost information provided by incumbent utilities.³ Requested Actions paragraphs 5, 6, LTTF Resolution at 1. As noted, the LTTF has requested that all participants in the work group act in good faith. The Commission expects this

³ The Commission's Regulations Governing the Functional Separation of Incumbent Electric Utilities Under the Virginia Electric Utility Restructuring Act provide that:

If the Legislative Transition Task Force adopts a resolution requesting the commission's assistance with monitoring the recovery of net stranded costs pursuant to § 56-595 C of the Act, then the following information shall be provided to the commission: (i) fair market value of each generation and transmission asset functionally unbundled, transferred or sold to a third party or affiliate and (ii) a list of all long-term power contracts functionally unbundled, transferred or sold to a third party or affiliate. Information furnished shall include the length and anticipated expiration date of each contract, annual cash payments for power, and the market value of each power contract for each year of its remaining life.

20 VAC 5-202-40 B 6 c.

The LTTF Resolution requests the Commission to form a workgroup to develop consensus recommendations on the definition of stranded costs, a methodology for their calculation, calculation of these costs, and calculation of offsetting amounts received for rates and wire charges. At this time, the Commission will not require the filing of the information listed in our regulation. Rather, we will reassess the need for the requested information after the work group submits its first report.

good faith to extend to the representatives' providing and using confidential information. We will delegate to our Office of General Counsel responsibility for developing, in consultation with the work group, procedures for the request and dissemination of information, including information deemed confidential. These procedures shall be considered at the work group's first meeting. If agreement on procedures cannot be reached, the Office of General Counsel will request guidance from the Commission. We note again that our Rules of Practice and Procedure do not apply in this proceeding, and representatives in the work group are not parties.

By July 1, 2003, the Commission must present to the LTTF a report on either the work group's consensus on definitions and methodology, Requested Actions paragraph 1, LTTF Resolution at 1, or, in the absence of consensus, a report on the representative's recommendations on the definitions and methodology and a Commission Staff analysis of these recommendations. Requested Actions paragraph 8, LTTF Resolution at 2. The Commission must report on these same issues to the LTTF's Subcommittee on Stranded Costs prior to submission of the report to the LTTF. Requested Actions paragraph 4, LTTF Resolution at 1.

To meet the LTTF's requirements, the Commission will establish a schedule for work group activities. We will set the first meeting of the work group for April 1, 2003. The work group will set additional meeting dates in April. A draft report shall be submitted to the Commission by May 30, 2003. The Commission will then submit a draft of the report to the Stranded Cost Subcommittee by June 16, 2003.

To focus consideration on the issues, the Commission requests that prospective representatives and other interested persons respond to any or all of the following questions.

1. Define "stranded costs." Include in the definition a detailed listing of each stranded cost component. Is this definition applicable to all electric utilities operating in Virginia? If not, to which utility or utilities does it apply and why?
2. Define "just and reasonable net stranded costs." Provide a detailed explanation of how and why it differs from "stranded costs." Is this definition applicable to all electric utilities operating in Virginia? If not, to which utility or utilities does it apply and why?
3. Provide a methodology for calculating "just and reasonable net stranded costs." Be specific in providing the necessary steps, beginning with each component comprising gross stranded costs and each component offsetting this amount to reach a net amount.
4. Describe how stranded costs are recovered. Provide a methodology for calculating such recovery. Describe the recovery period.
5. Do the calculation and recovery methodologies described in responses to questions 3 and 4 produce (or are they likely to produce) over-recovery or under-recovery of just and reasonable net stranded costs? How should such over- or under-recovery be dealt with?
6. Requested Actions paragraph 1 of the LTTF Resolution requests that the work group develop consensus

recommendations "consistent with the provisions of the Act." Explain how that phrase guides or possibly constrains the actions of the work group. Identify each section of the Virginia Electric Utility Restructuring Act, §§ 56-576 to 56-596 of the Code of Virginia, pertinent to such guidance or constraint. Additionally, explain each such section's significance in the context of definitions offered in response to questions 1 and 2 as well as in the methodologies proffered for calculating and recovering just and reasonable net stranded costs in response to questions 3 and 4.

7. Provide copies of any study or studies undertaken to define and/or calculate stranded costs for any Virginia electric utility.

8. Provide any additional comments on the issues raised by Requested Actions paragraphs 2 and 3 of the LTTF Resolution.

To allow broad dissemination of information, we will request the filing of responses to these questions, if possible, in electronic form. The responses will be posted on the Commission's Division of Economics and Finance Web site. We will establish procedures for responding to these questions.

The Commission recognizes that responses to questions 5 and 7 may include material, which the authors deem confidential. Any portion of a paper response to questions 5 and 7 provided to the Staff as required by the procedures we establish and deemed confidential should be prominently marked as confidential. If possible, a complete electronic response to questions 5 and 7, including any material deemed confidential, should be provided to the designated Staff members. Distribution or access to portions of the paper or electronic responses to questions 5 and 7 deemed confidential will be restricted until the work group agrees on confidentiality procedures. The Commission encourages transmission of versions of the responses to questions 5 and 7, which omit material deemed confidential, to the electronic address in ordering paragraph (9).

With regard to the report on the amount of stranded costs, Requested Actions paragraph 3 of the LTTF Resolution, the LTTF again requested that the Commission first submit the report to its Subcommittee on Stranded Costs. Accordingly, a draft report prepared pursuant to Requested Actions paragraph 3 shall be submitted to the Commission by September 30, 2003. The Commission will submit a draft of the report to the Stranded Cost Subcommittee by October 15, 2003. The work group may schedule necessary meetings, but approximately 30 days should be allowed for drafting the report.

The Commission Staff has developed lists of individuals, organizations, and companies interested in the implementation of retail competition. The Commission will direct the Staff to provide copies of this Order by electronic transmission or, when electronic transmission is not possible, by mail to individuals, organizations, and companies on these lists.

Accordingly, IT IS ORDERED THAT:

General Notices/Errata

(1) This matter be docketed as Case No. PUE-2003-00062 and all associated papers be filed herein.

(2) Within three business days of the filing of this Order with the Clerk, the Commission Staff shall mail a copy of this Order to each member of the LTTF, to its staff, and to the Attorney General.

(3) Within five business days of the filing of this Order with the Clerk, the Commission Staff shall transmit electronically or mail copies of this Order to interested persons and organizations as discussed in this Order.

(4) The Commission Staff shall promptly submit a copy of this Order for publication in the Virginia Register.

(5) On or before March 7, 2003, the Commission Staff shall file with the Clerk a certificate of the mailing required by paragraph (2).

(6) On or before March 14, 2003, the Commission Staff shall file with the Clerk a certificate of the transmission or mailing required by paragraph (3) and include a list of the names and addresses of persons to whom the Order was transmitted or mailed.

(7) On or before March 14, 2003, any person shall file with the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, a letter expressing the intention to represent a group in this matter. The letter shall include a complete mailing address, voice telephone number, facsimile telephone number (if available), and electronic mail address (if available). If several interested persons are members of the same organization or employees of the same entity, they shall designate in the letters one contact person. Interested persons are encouraged to transmit a copy of the letter filed with the Clerk, or the requested information, to econfin@scc.state.va.us.

(8) On or before March 21, 2003, one paper copy of any responses to the questions set out in this Order, and, if possible, an electronic copy of the complete response to questions 5 and 7, if any portion of the response is deemed confidential, shall be mailed or delivered to the following Commission Staff:

Ronald A. Gibson, Director
Division of Public Utility Accounting
State Corporation Commission
P.O. Box 1197
Richmond, VA 23218-1197

Lawrence T. Oliver, Assistant Director
Division of Economics and Finance
State Corporation Commission
P.O. Box 1197
Richmond, VA 23218-1197

William F. Stephens, Director
Division of Energy Regulation
State Corporation Commission
P.O. Box 1197
Richmond, VA 23218-1197

Wayne N. Smith
Office of General Counsel

State Corporation Commission
P.O. Box 1197
Richmond, VA 23218-1197

If possible, complete copies of responses to the questions, including spreadsheets, attachments, and the like, should be transmitted electronically to econfin@scc.state.va.us. Any portion of the responses to questions 5 and 7 deemed confidential should be deleted from responses transmitted to this electronic address.

(9) Until the work group reaches agreement on access and dissemination, or until otherwise ordered by the Commission, Staff members receiving written and electronic copies of responses to questions 5 and 7 shall treat as confidential any material clearly marked as confidential and shall limit access to other Staff members participating in the work group.

(10) The Commission Staff shall post promptly upon receipt all materials received by electronic transmission to econfin@scc.state.va.us on the Division of Economics and Finance Web site, <http://www.state.va.us/scc/division/eaf/comments.htm>. The Commission Staff shall not be responsible for editing any posted document to remove information deemed confidential.

(11) The Commission Staff shall convene the work group on April 1, 2003, in the Tyler Building, 1300 East Main Street, Richmond, Virginia, at 9:00 A.M. If necessary, the Staff may convene the meeting on the same date at the same time at a nearby-location. The Staff shall make a reasonable effort to inform interested persons of the new location.

(12) Individuals with disabilities who require an accommodation to participate in the work group meetings should contact the Commission at least seven (7) days before the scheduled meeting date at 1-800-552-7945 (voice) or 1-804-371-9206 (TDD).

(13) On or before May 30, 2003, the work group shall forward to the Commission a draft of the report called for in Requested Actions paragraph 2 of the LTTF Resolution, or advise the Commission that it was unable to develop consensus recommendations so that the Commission may implement the provisions of Requested Actions paragraph 8 of the LTTF Resolution.

(14) On or before September 30, 2003, the work group shall forward to the Commission a draft of the report called for in Requested Actions paragraph 3 of the LTTF Resolution adopted, or advise the Commission that it was unable to develop consensus recommendations so that the Commission may implement the provisions of Requested Actions paragraph 8 of the LTTF Resolution.

* * *

LEGISLATIVE TRANSITION TASK FORCE

Background

Section 56-584 of the Virginia Electric Utility Restructuring Act (the "Act") provides:

Just and reasonable net stranded costs, to the extent that they exceed zero value in total for the incumbent electric utility, shall be recoverable by each incumbent electric utility

provided each incumbent electric utility shall only recover its just and reasonable net stranded costs through either capped rates as provided in § 56-582 or wires charges as provided in § 56-583.

Subdivision C, clause (iii) of § 56-595 of the Act provides that the members of the Legislative Transition Task Force shall:

[A]fter the commencement of customer choice, monitor, with the assistance of the Commission, the Office of the Attorney General, incumbent electric utilities, suppliers, and retail customers, whether the recovery of stranded costs, as provided in § 56-584, has resulted or is likely to result in the overrecovery or underrecovery of just and reasonable net stranded costs . . .

As customer choice has commenced in the Commonwealth, it is appropriate for the Legislative Transition Task Force to initiate the process of monitoring whether the recovery of stranded costs has resulted or is likely to result in the overrecovery or underrecovery of just and reasonable net stranded costs.

Requested Actions

The Legislative Transition Task Force hereby requests the State Corporation Commission to:

1. Convene a work group, consisting of Commission staff and such persons as the Commission deems appropriate to represent the Office of the Attorney General, incumbent electric utilities, suppliers, and retail customers, for the purpose of developing consensus recommendations, consistent with the provisions of the Act, regarding the issues listed in paragraphs 2 and 3. The chairman of the Legislative Transition Task Force will designate two of its members to monitor the progress of the work group.

2. By July 1, 2003, present to the Legislative Transition Task Force the work group's consensus recommendations regarding:

(a) Definitions of "stranded costs" and "just and reasonable net stranded costs."

(b) A methodology to be applied in calculating each incumbent electric utility's just and reasonable net stranded costs, amounts recovered, or to be recovered, to offset such costs, and whether such recovery has resulted in or is likely to result in the overrecovery or underrecovery of just and reasonable net stranded costs; and

3. By November 1, 2003, present to the Legislative Transition Task Force the work group's consensus recommendations, developed using the methodology developed pursuant to paragraph 2 (b), regarding:

(a) The amount of each incumbent electric utility's just and reasonable net stranded costs.

(b) The amount that each incumbent electric utility has received, and is expected to receive over the balance of the capped rate period, to offset just and reasonable net stranded costs from capped rates and from wires charges.

4. Report to the Legislative Transition Task Force's Subcommittee on Stranded Costs, which will be reactivated to oversee the implementation of this resolution, regarding the matters described in paragraphs 2 and 3, which reporting shall be made prior to the submission of the reports to the Legislative Transition Task Force that are due by July 1, 2003, and November 1, 2003, respectively.

5. Determine whether the work group has access to information necessary for the development of recommendations on the issues set out in paragraphs 2 and 3, and, if the work group has been unable to obtain necessary information, give prompt written notice of the issue to the chairman of Legislative Transition Task Force, with a copy to its staff.

6. Take all reasonable and appropriate actions to ensure that State Corporation Commission staff and other work group participants do not make unauthorized disclosures of information regarding incumbent utilities' stranded costs and amounts received to offset stranded costs that is provided in confidence to the work group.

7. Request that the Commission staff and persons who are invited to participate in the work group act in good faith to develop consensus recommendations on the issues set out in paragraphs 2 and 3.

8. If the work group members are not able to develop consensus recommendations regarding the issues set out in paragraphs 2 and 3, include in its reports to the Legislative Task Force and the Subcommittee on Stranded Costs, as appropriate, (i) the recommendations of the Commission staff and other members of the work group regarding the issues and (ii) an analysis by Commission staff of such recommendations. 9. Include in its reports to the Legislative Transition Task Force any recommendations for legislative or administrative action that the Commission, the work group, or both, determine to be appropriate in order to address any overrecovery or underrecovery of just and reasonable net stranded costs.

Adopted by the Legislative Transition Task Force on _____, 2003.

A true copy: _____

Title: _____

Bureau of Insurance

February 14, 2003

ADMINISTRATIVE LETTER 2003-1

TO: All Carriers Licensed to Market Credit Life Insurance or Credit Accident and Sickness Insurance in Virginia

**RE: Credit Insurance Experience Exhibits
§ 38.2-3730 of the Code of Virginia**

In accordance with § 38.2-3730 B of the Code of Virginia, adjustments to the prima facie rates applicable to credit life

General Notices/Errata

and credit accident and sickness insurance for the triennium commencing January 1, 2004 will be established and published later this year. This letter serves as a reminder to all carriers licensed to write either or both of these coverages that the Credit Insurance Experience Exhibit (CIEE) for the 2002 reporting year, from which information will be obtained to properly calculate these rates, must be submitted to the Commission no later than **April 1, 2003**. All companies were instructed, by letter dated December 5, 2002, to submit a duplicate copy of this exhibit to the Life and Health Forms and Rates Section of the Bureau of Insurance, (the Bureau). Because of the time constraints under which the rate calculation must be completed, **it is imperative that complete and accurate CIEEs are provided to the Bureau on or before April 1, 2003.**

In order to expedite the review of each CIEE that contains Virginia experience, we encourage companies to complete the attached questionnaire and ask that it be submitted with the completed CIEE. We also encourage the submission of these documents to the Life and Health Forms and Rates Section via e-mail at the address noted on the following page. Clearly state "NONE" on the first page of a CIEE that does not contain Virginia experience.

Attached to this administrative letter are examples of some of the problems identified with earlier CIEE filings. In some instances, although information was correct, an explanation was necessary to properly evaluate the information. Companies are hereby directed to review the attachment to ensure that similar problems do not recur this year. Please note that the CIEE must be filed on a direct basis, i.e. before taking into account reinsurance ceded.

To facilitate the completion of the questionnaire, companies may download it from the Bureau's website at:

<http://www.state.va.us/scc/division/boi/webpages/insurerforms.htm>

Please contact the Bureau with any questions or requests for clarification of any of the above as early as possible. The duplicate CIEE filings, as well as questions, should be directed to:

Althelia P. Battle
Supervisor, Forms and Rates Section
Life and Health Division
P.O. Box 1157
Richmond, Virginia 23218
804-371-9110
abattle@scc.state.va.us

/s/ Alfred W. Gross
Commissioner of Insurance

Attachment

The following are examples of problems identified in filings of the Credit Insurance Experience Exhibits (CIEEs) in previous reporting years. Companies are directed to review the information below to ensure that similar problems do not recur in their 2002 CIEEs. Any of the following situations legitimately applicable to a 2002 CIEE should include an appropriate explanation.

- **Wrong state submitted, state not indicated, or Virginia experience not separated.** The Bureau received a number of exhibits in which a section was missing, the wrong state or year was submitted, or Virginia experience was not provided separately.
- **Prima facie premium not listed.** The prima facie premium is needed to evaluate the rates. Each company should explicitly state the prima facie premium on the appropriate exhibit line, even if it is the same as earned premium.
- **Prima facie premiums greater than earned premiums.** While this may not be a problem, our experience is that most companies charge the maximum rate allowed. This may be indicative of a miscalculation, especially on MOB business.
- **Earned premiums greater than prima facie premium.** For MOB business, this may be indicative of a miscalculation. Such premiums violate statutes unless the premium rates have been approved. If the premium rates have been approved, we ask that reporting carriers provide the Bureau with the approval date(s) to facilitate our analysis.
- **Changes in the reserves reported from the end of one reporting year to the beginning of the subsequent reporting year.** This can cause previously charged premium and claims to disappear. It can also cause claims without corresponding premium and vice versa. Restatement of opening reserves merely results in delay and unnecessary expense for the Bureau, and in light of the purpose of these CIEEs, companies should ensure that opening reserves (at the beginning of the year) are equal to closing reserves (at the end of the previous year).
- **Claim reserve errors.** These cause inaccurate incurred claims and may also indicate inadequate reserves for the product line.
- **Premium reserve errors.** These cause inaccurate premium reserve calculations.
- **Assumption reinsurance transactions.** If any business is transferred by assumption reinsurance, include a cover letter identifying the companies involved and the reserve amounts impacted by the transaction.
- **Company Name Changes or Mergers.** If the reporting company has changed its name and/or has been involved in a merger, full details should be provided to enable the Bureau of Insurance to appropriately combine experience for the past three years.

Questionnaire

1. Are both the *earned premiums* and *earned premiums at prima facie rates* stated?
_____ Yes _____ No

What adjustments, if any, were made to the earned premiums at prima facie rates? Please explain in detail how the adjustments were made. If none were made, please explain why not.

DEPARTMENT OF ENVIRONMENTAL QUALITY

2. Are incurred claims stated without stating earned premiums and earned premiums at prima facie rates?

____ Yes ____ No

If "yes," please explain.

3. Are the beginning of year (BOY) reserves equal to the prior years' stated end of year (EOY) reserves?

____ Yes ____ No

If "no," please provide a detailed explanation. (This applies to the premium, IBNR and claim reserves.)

4. Are the BOY reserves positive but no data was reported last year?

____ Yes ____ No

If "yes," please explain.

5. Has the reserve methodology changed since the prior year's CIEE was filed in Virginia?

____ Yes ____ No

If "yes," please explain.

6. Was any business transferred by assumption reinsurance?

____ Yes ____ No

If "yes," identify the companies involved and explain how any values in the CIEE have been impacted by the transaction.

7. Has the Company changed its name or has the Company been involved in a merger since the prior year's CIEE was filed in Virginia?

____ Yes ____ No

If "yes," please provide complete details in order that the Bureau of Insurance can appropriately combine experience for the past three years.

8. Have all totals been verified as correct?

____ Yes ____ No

If "no," please explain.

9. Does the CIEE contain any negative numbers?

____ Yes ____ No

If "yes," please provide a detailed explanation.

Completed by _____
Title _____
Date _____
Phone No. _____

Total Maximum Daily Load (TMDL) to Address an Impairment in the Deep Run Watershed

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) to address an impairment in the Deep Run Watershed. The subject stream segment is identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report.

The impaired stream segment is located along the southern border of Stafford and Fauquier Counties. The impairment begins at the confluence with Green Branch just downstream of the Route 752 bridge and continues downstream approximately 4.83 miles to the confluence with the Rappahannock River.

The first public meeting on the development of the Deep Run Watershed TMDL will be held on Wednesday, April 2, 2003, at 7 p.m. at the Mary Walter Elementary School, located at 4529 Morrisville Road in Bealeton, Virginia.

The public comment period will begin on April 2, 2003, and end on May 1, 2003. A fact sheet on the development of the TMDL for the impairment in the Deep Run Watershed is available upon request. Questions or information requests should be addressed to Katherine Bennett. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Ms. Katherine E. Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3896, FAX (703) 583-3841, or e-mail kebennett@deq.state.va.us.

Total Maximum Daily Loads (TMDLs) to Address Impairments in the Muddy Run Watershed

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) to address impairments in the Muddy Run Watershed. The subject stream segments are identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report.

General Notices/Errata

The impaired stream segments are located in Culpeper County. The first impairment is a 5.55-mile segment of Muddy Run beginning approximately 0.22 miles upstream of the Route 229 bridge and continuing downstream to the confluence with the Hazel River. The second impairment is a 3.12-mile segment of Muddy Run extending from the headwaters downstream to the confluence with Apperson Creek.

The first public meeting on the development of the Muddy Run Watershed TMDLs will be held on Tuesday, April 1, 2003, at 7 p.m. at the Emerald Hill Elementary School, located at 11245 Rixeyville Road in Culpeper, Virginia.

The public comment period will begin on April 1, 2003, and end on April 30, 2003. A fact sheet on the development of the TMDLs for the impairments in the Muddy Run Watershed is available upon request. Questions or information requests should be addressed to Katherine Bennett. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Ms. Katherine E. Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3896, FAX (703) 583-3841, or e-mail kebennett@deq.state.va.us.

Total Maximum Daily Loads (TMDLs) to Address Two Benthic Community Impairments in the Goose Creek Watershed

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) to address two benthic community impairments in the Goose Creek Watershed. The subject stream segments are identified in Virginia's 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the general standard for state waters. Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's § 303(d) TMDL Priority List and Report.

The impaired stream segments are located in Loudoun County. The first impairment is an approximately 4.77-mile segment of Goose Creek beginning at the Goose Creek Dam and continuing downstream to the confluence with the Potomac River. The second impairment is an approximate 6.13-mile segment of Little River beginning at the confluence of Hungry Run with Little River just upstream of the Route 50 crossing and continuing downstream to the confluence with Goose Creek near Courtland Farm Lane.

The first public meeting on the development of the Goose Creek Watershed benthic TMDLs will be held on Thursday, April 10, 2003, at 7 p.m. in the Lovettsville Room on the first floor of the Loudoun County Government Center located at 1 Harrison Street, S.E. in Leesburg, Virginia.

The public comment period will begin on April 10, 2003, and end on May 9, 2003. A fact sheet on the development of the TMDLs for the benthic impairments in the Goose Creek Watershed is available upon request. Questions or information

requests should be addressed to Katherine Bennett. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Katherine E. Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3896, FAX (703) 583-3841, or e-mail kebennett@deq.state.va.us.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (804) 692-0625.

Forms for Filing Material for Publication in *The Virginia Register of Regulations*

All agencies are required to use the appropriate forms when furnishing material for publication in the Virginia Register of Regulations. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other Virginia Register resources may be printed or downloaded from the Virginia Register web page: <http://register.state.va.us>

FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01
NOTICE of COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE of MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS - RR08
PETITION FOR RULEMAKING - RR13

ERRATA

DEPARTMENT OF GAME AND INLAND FISHERIES

Title of Regulation: **4 VAC 15-430. Watercraft: Safety Equipment Requirements.**

Publication: 19:5 VA.R. 809 November 18, 2002.

Corrections to Final Regulation:

The following changes to the proposed regulation were inadvertently omitted from publication of the final regulation:

4 VAC 15-430-40. Personal flotation device exemptions.

A. A Type V PFD may be used in lieu of any PFD required under 4 VAC 15-430-30, provided:

1. The approval label on the Type V PFD indicates that the device is approved:

a. For the activity in which the vessel is being used; or

b. As a substitute for a PFD of the type required on the vessel in use;

2. The PFD is used in accordance with any requirements on the approval label;

3. The PFD is used in accordance with requirements in its owner's manual, if the approval label makes reference to such a manual; and

4. The PFD is being worn.

B. Personal watercraft, kayaks [, canoes, inflatable rafts] and vessels less than 16 feet in length that are registered in another state are exempted from the requirements for carriage of the additional Type IV PFD required by 4 VAC 15-430-30.

C. Racing shells, rowing sculls, racing canoes and racing kayaks are exempted from the requirements for carriage of any Type PFD required by 4 VAC 15-430-30.

D. Sailboards are exempted from the requirements for carriage of any Type PFD required by 4 VAC 15-430-30.

E. Vessels of the United States used by foreign competitors while practicing for or racing in competition are exempted from the carriage of any PFD required under 4 VAC 15-430-30, provided the vessel carries one of the sponsoring foreign country's acceptable flotation devices for each foreign competitor on board.

4 VAC 15-430-210. Backfire flame control.

A. Every gasoline engine installed in a motorboat or motor vessel after April 25, 1940, except outboard motors, shall be equipped with an acceptable means of backfire flame control.

B. Installations made before November 19, 1952, may be continued in use as long as they are serviceable and in good condition. Replacements shall comply with any applicable standards established by the U.S. Coast Guard and be marked accordingly. The flame arrester must be suitably secured to the air intake with a flamtight connection.

C. Installations consisting of backfire flame arresters bearing basic approval nos. 162.015 or 162.041 or engine air and fuel induction systems bearing basic approval nos. 162.015 or 162.042 may be continued in use as long as they are serviceable and in good condition. New installations or replacements must comply with [~~SAE J-1928 or UL 1111~~ any applicable] standards [established by the U.S. Coast Guard] and be marked accordingly. The flame arrester must be suitably secured to the air intake with a flamtight connection.

REAL ESTATE BOARD

Title of Regulation: **18 VAC 135-20. Virginia Real Estate Board Licensing Regulations.**

Publication: 19:12 VA.R. 1899-1904 February 24, 2003.

Corrections to Final Regulation:

Page 1900, 18 VAC 135-20-30, subdivision 4, lines 4 through 7, unstrike the following language:

"of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or any felony, there being

no appeal pending therefrom or the time for appeal having elapsed"

Page 1901, 18 VAC 135-20-60, subdivision 8, line 7, insert the following language after "the United States":

"of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or any felony, there being no appeal pending therefrom or the time for appeal having elapsed"

Page 1903, 18 VAC 135-20-260, subdivision 5, lines 4 through 7, unstrike the following language:


"of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or any felony, there being no appeal pending therefrom or the time for appeal having elapsed"


Page 1903, 18 VAC 135-20-260, subdivision 5, line 15, strike "of" and insert "*under*" and line 17, insert "conviction or" between "such" and "guilt"

CALENDAR OF EVENTS

Symbol Key


† Indicates entries since last publication of the *Virginia Register*

 Location accessible to persons with disabilities

 Teletype (TTY)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at www.vipnet.org or contact the organization directly.


For additional information on open meetings and public hearings held by the standing committees of the legislature during the interim, please call Legislative Information at (804) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY , or visit the General Assembly web site's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD OF ACCOUNTANCY

March 28, 2003 - 10 a.m. -- Open Meeting

Board of Accountancy, 3600 West Broad Street, Suite 696, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting of the Enforcement Committee to review cases, discuss development of guidelines for felony/misdemeanor convictions, discuss documentation of task/time involved in preparation and investigation of enforcement cases, and discuss the process of review of delinquent CPE cases.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 696, Richmond VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY , e-mail boa@boa.state.va.us.


VIRGINIA AGRICULTURAL COUNCIL

March 24, 2003 - 9 a.m. -- Open Meeting

March 25, 2003 - 8 a.m. -- Open Meeting

Holiday Inn Monticello, 1200 5th Street, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to hear and act upon agricultural project proposals for financial assistance through the Virginia Agricultural Council. The council will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Thomas Yates at least five days before the meeting date so that suitable arrangements can be made.

Contact: Thomas R. Yates, Executive Director, Virginia Agricultural Council, 1100 Bank St., Room 509, Richmond, VA 23219, telephone (804) 786-6060, FAX (804) 371-8372, (800) 828-1120/TTY 

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

May 13, 2003 - 10 a.m. -- Public Hearing

Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia.

May 15, 2003 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: **2 VAC 5-20. Standards for Classification of Real Estate as Devoted to Agricultural Use and to Horticultural Use under the Virginia Land Use Assessment Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including amending the regulation to satisfy the statutory amendment made by Chapter 705 of the 2001 Acts of Assembly. Under that provision, localities are authorized to waive, with respect to real estate devoted to the production of crops that require more than two years from initial planting until commercially feasible harvesting, any requirement contained in the regulation that requires the real estate to have been used for a particular purpose for a minimum length of time before qualifying as real estate devoted to agricultural or horticultural use. The Commissioner of Agriculture and Consumer Services is to promulgate regulations to carry out the provisions of the act.

Statutory Authority: § 58.1-3230 of the Code of Virginia; Chapter 705 of the 2001 Acts of Assembly.

Contact: Lawrence H. Redford, Regulatory Coordinator, Department of Agriculture and Consumer Services, 1100 Bank St., Room 211, Richmond, VA 23219, telephone (804) 371-8067, FAX (804) 371-2945, or e-mail lredford@vdacs.state.va.us.

Virginia Horse Industry Board

April 3, 2003 - 9 a.m. -- Open Meeting

Virginia Department of Forestry, 900 Natural Resources Drive, Second Floor, Charlottesville, Virginia. ☎

A meeting to review the board's current financial report and on-going projects. The board will also discuss and review all grant proposals submitted for funding consideration for FY 2003-2004. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Equine Marketing Specialist/Program Manager, Department of Agriculture and Consumer Services, 1100 Bank Street, 9th Floor, Richmond, VA 23219, telephone (804) 786-5842, FAX (804) 371-7786, e-mail aheid@vdacs.state.va.us.

STATE AIR POLLUTION CONTROL BOARD

April 9, 2003 - 9 a.m. -- Public Hearing

Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

April 25, 2003 -- Public comment may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **9 VAC 5-40. Existing Stationary Sources**. The purpose of the proposed action is to amend the regulations for the control and abatement of air pollution relative to controlling emissions from municipal solid waste landfills.

Statutory Authority: § 10.1-1308 of the Code of Virginia

Public comments may be submitted until 5 p.m. on April 25, 2003.

Contact: Karen G. Sabasteanski, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510 or e-mail kgsabastea@deq.state.va.us.

ALCOHOLIC BEVERAGE CONTROL BOARD

March 24, 2003 - 9 a.m. -- Open Meeting

April 14, 2003 - 9 a.m. -- Open Meeting

April 28, 2003 - 9 a.m. -- Open Meeting

May 12, 2003 - 9 a.m. -- Open Meeting

May 28, 2003 - 9 a.m. -- Open Meeting

June 9, 2003 - 9 a.m. -- Open Meeting

June 23, 2003 - 9 a.m. -- Open Meeting

Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ☎

A meeting to receive and discuss reports and activities from staff members. Other matters are not yet determined.

Contact: W. Curtis Coleburn, III, Secretary to the Board, Alcoholic Beverage Control Board, 2901 Hermitage Rd., P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4442, e-mail wccolen@abc.state.va.us.

ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

† May 5, 2003 - 10 a.m. -- Open Meeting

Department for the Aging, 1600 Forest Avenue, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Janet L. Honeycutt, Director of Grant Operations, Alzheimer's Disease and Related Disorders Commission, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9333, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY ☎, e-mail jlhoneycutt@vdh.state.va.us.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

Land Surveyor Section

† June 5, 2003 - 2:30 p.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

An informal fact-finding conference. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Ilona LaPaglia, Legal Assistant, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2394, FAX (804) 367-0194, (804) 367-9753/TTY ☎, e-mail LaPaglia@dpor.state.va.us.

ART AND ARCHITECTURAL REVIEW BOARD

April 4, 2003 - 10 a.m. -- Open Meeting

May 2, 2003 - 10 a.m. -- Open Meeting

June 6, 2003 - 10 a.m. -- Open Meeting

Science Museum of Virginia, 2500 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A monthly meeting to review projects submitted by state agencies. AARB submittal forms and submittal instructions can be downloaded by visiting the DGS forms center at www.dgs.state.va.us. Request Submittal Form # DGS-30-905 or Submittal Instructions form # DGS-30-906.

Calendar of Events

Contact: Richard L. Ford, AIA, Chairman, Art and Architectural Review Board, 1011 E. Main Street, #221, Richmond, VA 23219, telephone (804) 643-1977, FAX (804) 643-1981, (804) 786-6152/TTY ☎, e-mail rlfia@aol.com.

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

March 25, 2003 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct board business.

Contact: David Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail asbestos@dpor.state.va.us.

March 25, 2003 - 1 p.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

An informal fact-finding conference. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Ilona LaPaglia, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2394, FAX (804) 367-0194, (804) 367-9753/TTY ☎, e-mail LaPaglia@dpor.state.va.us.

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES

State Executive Council

March 26, 2003 - 9 a.m. -- Open Meeting
April 30, 2003 - 9 a.m. -- Open Meeting
May 28, 2003 - 9 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street, Lower Level Room 3, Richmond, Virginia. ♿

The meeting is generally held the last Wednesday of each month at the Department of Social Services, Lower Level Room 3. For traveling directions, please call (804) 692-1100.

Contact: Alan G. Saunders, Director, Office of Comprehensive Services for At-Risk Youth and Families, 1604 Santa Rosa Rd., Richmond, VA 23229, telephone (804) 662-9815, FAX (804) 662-9831, e-mail ags992@central.dss.state.va.us.

BOARD FOR THE BLIND AND VISION IMPAIRED

April 8, 2003 - 1 p.m. -- Open Meeting
Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to review information regarding department activities and operations, review expenditures from the board endowment fund, and discuss other issues raised for the board members.

Contact: Katherine C. Proffitt, Administrative Staff Assistant, Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond VA 23227, telephone (804) 371-3145, FAX (804) 371-3157, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, or e-mail proffikc@dbvi.state.va.us.

CEMETERY BOARD

† May 21, 2003 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct board business.

Contact: Christine Martine, Executive Director, Cemetery Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail cemetery@dpor.state.va.us.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† March 24, 2003 - 10 a.m. -- Open Meeting
James Monroe Building, Main Level, 101 North 14th Street, Conference Room C, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A general business meeting including review of local Chesapeake Bay Preservation Area programs. The board will also discuss approval of regulatory guidance documents. An agenda is available. Public comment will be received.

Contact: Carolyn J. Elliott, Administrative Assistant, Chesapeake Bay Local Assistance Board, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY ☎, e-mail celliott@cblad.state.va.us.

STATE CHILD FATALITY REVIEW TEAM

May 9, 2003 - 10 a.m. -- Open Meeting
Office of the Chief Medical Examiner, 400 East Jackson Street, Richmond, Virginia. ♿

The business portion of the meeting, from 10 to 10:30 a.m., is open to the public. At the conclusion of the open meeting, the team will go into closed session for confidential case review.

Contact: Virginia Powell, Coordinator, State Child Fatality Review Team, 400 E. Jackson St., Richmond, VA 23219,

telephone (804) 786-6047, FAX (804) 371-8595, toll-free (800) 447-1708, e-mail vpowell@vdh.state.va.us.

DEPARTMENT OF CONSERVATION AND RECREATION

Falls of the James Scenic River Advisory Board

April 10, 2003 - Noon -- Open Meeting
City Hall, 900 East Broad Street, 5th Floor, Planning Commission Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to discuss river issues.

Contact: Derral Jones, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326 Richmond, VA 23219, telephone (804) 786-9042, FAX (804) 371-7899, e-mail djones@dcrr.state.va.us.

BOARD FOR CONTRACTORS

March 25, 2003 - 9 a.m. -- Open Meeting
April 1, 2003 - 9 a.m. -- Open Meeting
April 8, 2003 - 9 a.m. -- Open Meeting
April 29, 2003 - 9 a.m. -- Open Meeting
May 6, 2003 - 9 a.m. -- Open Meeting
May 7, 2003 - 1:30 p.m. -- Open Meeting
May 13, 2003 - 9 a.m. -- Open Meeting
June 10, 2003 - 9 a.m. -- Open Meeting
† June 17, 2003 - 9 a.m. -- Open Meeting
† June 24, 2003 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

Informal fact-finding conferences. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at 804-367-0946 at least 10 days prior to the meeting so that suitable arrangements can be made for appropriate accommodations. The department fully complies with the Americans with Disabilities Act.

Contact: Earlyne Perkins, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0946, FAX (804) 367-0194, (804) 367-9753/TTY , e-mail perkins@dpor.state.va.us.

April 16, 2003 - 9 a.m. -- Open Meeting
May 28, 2003 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A regular meeting to address policy and procedural issues, review and render decisions on applications for contractors' licenses, and review and render case decisions on matured complaints against licensees. The meeting is open to the public; however, a portion of the board's business may be conducted in closed session.

Contact: Eric L. Olson, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.state.va.us.

April 22, 2003 - 9 a.m. -- Open Meeting
May 7, 2003 - 1:30 p.m. -- Open Meeting
June 3, 2003 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

Informal fact-finding conferences for the Contractor Recovery Fund. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at 804-367-0946 at least 10 days prior to this meeting so that suitable arrangements can be made for appropriate accommodations. The department fully complies with the Americans with Disabilities Act.

Contact: Victoria S. Traylor, Legal Assistant, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8561, FAX (804) 367-0194, (804) 367-9753/TTY , e-mail perkins@dpor.state.va.us.

May 7, 2003 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A meeting of the Tradesman and Education Committee to consider items of interest relating to tradesmen, backflow workers, education and other appropriate matters relating to tradesmen and the Board for Contractors.

Contact: Eric L. Olson, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.state.va.us.

BOARD OF CORRECTIONS

May 20, 2003 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia.

Meetings of the following committees to discuss correctional matters to be brought before the full board:

10 a.m. - Liaison Committee
1 p.m. - Correctional Services Committee


Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3605, e-mail woodhousebl@vadoc.state.va.us.

May 21, 2003 - 8:30 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia.

A meeting of the Administration Committee.

Calendar of Events


Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3605, e-mail woodhousebl@vadoc.state.va.us.

May 21, 2003 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 

A meeting of the full board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3605, e-mail woodhousebl@vadoc.state.va.us.

CRIMINAL JUSTICE SERVICES BOARD

† June 12, 2003 - 9 a.m. -- Public Hearing
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

May 23, 2003 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **6 VAC 20-171. Regulations Relating to Private Security Services.** The purpose of the proposed action is to update minimum training standards and improve licensing, registration, certification, training requirements, fees and procedures.

Statutory Authority: § 9.1-141 of the Code of Virginia.

Contact: Lisa R. Hahn, Private Security Services Chief, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 225-2356, FAX (804) 786-6344 or e-mail lhahn@dcjs.state.va.us.


Private Security Services Advisory Board

March 25, 2003 - 10 a.m. -- Open Meeting
Lynchburg Ramada Inn and Conference Center, Route 29, Old Fellows Road, Lynchburg, Virginia.

A general business meeting.

Contact: Judith Kirkendall, Regulatory Coordinator, Criminal Justice Services Board, Eighth Street Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-8003, FAX (804) 786-0410, e-mail jkirkendall@dcjs.state.va.us.

BOARD OF DENTISTRY

March 28, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

The Special Conference Committee will meet to hold an informal hearing. There will be no comment period.

Contact: JeAnne Marshall, Administrative Assistant, Board of Dentistry, 6603 W. Broad St., 5th Floor, Richmond, VA 23230,

telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail JeAnne.Marshall@dhp.state.va.us.

* * * * *

April 4, 2003 - 9 a.m. -- Public Hearing
Board Room 1, Fifth Floor, 6603 West Broad Street, Richmond, Virginia.

April 25, 2003 -- Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Dentistry intends to amend regulations entitled: **18 VAC 60-20. Virginia Board of Dentistry Regulations.** The purpose of the proposed action is to replace emergency regulations for general supervision of the practice of dental hygienists by dentists.

Statutory Authority: §§ 54.1-2400 and 54.1-2722 of the Code of Virginia.

Public comments may be submitted until April 25, 2003, to Sandra K. Reen, Executive Director, Board of Dentistry, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230-1712.


Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114, or e-mail elaine.yeatts@dhp.state.va.us.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

April 17, 2003 - 11 a.m. -- Open Meeting

May 15, 2003 - 11 a.m. -- Open Meeting

† June 19, 2003 - 11 a.m. -- Open Meeting

Department of General Services, 8th Street Office Building, 3rd Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review requests submitted by localities to use D-B or Construction Management type contracts. Please contact Division of Engineering and Buildings to confirm meeting. Board Rules and Regulations can be obtained online at www.dgs.state.va.us under the DGS Forms, Form # DGS-30-904.

Contact: Freddie M. Adcock, Administrative Assistant, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/TTY , e-mail fadcock@dgs.state.va.us.

BOARD OF EDUCATION

† March 25, 2003 - 3 p.m. -- Open Meeting

† April 29, 2003 - 9 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.

The Committee to Implement NCLB will hold work sessions and public comment will not be received at this time. The public is urged to confirm arrangements prior to each

meeting by viewing the Department of Education's public meeting calendar at <http://www.pen.k12.va.us/VDOE/meetings.html>. This site will contain the latest information on the meeting arrangements and will note any last-minute changes in time or location. Please note that persons requesting the services of an interpreter for the deaf are asked to do so at least 72 hours in advance so that the appropriate arrangements may be made.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Board of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

March 26, 2003 - 9 a.m. -- Open Meeting


April 29, 2003 - 9 a.m. -- Open Meeting

April 30, 2003 - 9 a.m. -- Open Meeting

May 1, 2003 - 9 a.m. -- Open Meeting

May 28, 2003 - 9 a.m. -- Open Meeting

NOTE: CHANGE IN MEETING LOCATION

General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting of the board. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency 72 hours in advance. Public comment will be received.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

Advisory Committee on Adult Education and Literacy


† March 25, 2003 - 10:30 a.m. -- Open Meeting
Crowne Plaza Hotel, 555 Canal Street, Richmond, Virginia.

The public is urged to confirm arrangements prior to each meeting by viewing the Department of Education's public meeting calendar at <http://www.pen.k12.va.us/VDOE/meetings.html>. This site will contain the latest information on the meeting arrangements and will note any last-minute changes in time or location. Please note that persons requesting the services of an interpreter for the deaf are asked to do so at least 72 hours in advance so that the appropriate arrangements may be made.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Board of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

Advisory Board on Teacher Education and Licensure

April 21, 2003 - 9 a.m. -- Open Meeting


Hilton Garden Inn, Richmond Innsbrook, 4050 Cox Road, Glen Allen, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Persons requesting the services of an interpreter for the deaf should do so at least 72 hours in advance. This will be a work session and public comment will not be received.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

DEPARTMENT OF ENVIRONMENTAL QUALITY


March 25, 2003 - 7 p.m. -- Open Meeting

Cleveland Recreation Facility, Route 82 next to the ball fields, Cleveland, Virginia. 


The final public meeting on the development of a TMDL for aquatic life on an approximately 3.4-mile stretch of Dumps Creek in Russell County. The public comment period closes on April 25, 2003.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmberndt@deq.state.va.us.


† March 27, 2003 - 10 a.m. -- Open Meeting

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting of the Drought Response Technical Advisory Committee to provide input regarding the development of a drought response plan for the Commonwealth. The plan must contain an objective system to monitor drought conditions across the Commonwealth, establish threshold drought levels that require response at the state/local level, and establish appropriate actions required at each defined drought threshold level. The focus of the committee will be to identify: (i) an appropriate drought monitoring system; (ii) appropriate drought trigger levels for governmental response; (iii) appropriate water conservation requirements; and (iv) final recommendations for a draft drought response plan.

Contact: Scott W. Kudlas, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4456, FAX (804) 698-4019, (804) 698-4021/TTY , e-mail swkudlas@deq.state.va.us.

March 27, 2003 - 7 p.m. -- Open Meeting


Toms Brook Volunteer Fire Department, 3342 Main Street, Toms Brook, Virginia. 

The first public meeting on the development of a TMDL for approximately 7.18 miles in length in Shenandoah County

Calendar of Events


(Toms Brook). The public comment period closes on April 26, 2003.

Contact: Sandra Mueller, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4324, FAX (804) 698-4116, e-mail cmberndt@deq.state.va.us.

† **April 1, 2003 - 7 p.m.** -- Open Meeting
Emerald Hill Elementary School, 11245 Rixeyville Road, Culpeper, Virginia. 

The first public meeting on the development of a TMDL for Muddy Run Watershed located in Culpeper County. The public comment period closes on April 30, 2003.

Contact: Katherine Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3896, FAX (703) 583-3841, e-mail kebennett@deq.state.va.us.

† **April 2, 2003 - 7 p.m.** -- Open Meeting
Mary Walter Elementary School, 4529 Morrisville Road, Bealeton, Virginia. 


The first public meeting on the development of a TMDL for the Deep Run Watershed located in Stafford and Fauquier Counties. The public comment period closes on May 1, 2003.

Contact: Katherine Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3896, FAX (703) 583-3841, e-mail kebennett@deq.state.va.us.


April 3, 2003 - 7 p.m. -- Open Meeting
Shenandoah University, Henkel Building, Hester Auditorium, 1460 University Drive, Winchester, Virginia.

The first public meeting on the development of TMDLs for benthics and/or bacteria for Upper and Lower Opequon Creeks located in Frederick County. The public comment period closes on May 3, 2003.


Contact: Sandra Mueller, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4324, FAX (804) 698-4116, e-mail cmberndt@deq.state.va.us.

† **April 10, 2003 - 7 p.m.** -- Open Meeting
Loudoun County Government Center, 1 Harrison Street, SE, Lovettsville Room, Leesburg, Virginia. 


The first public meeting on the development of benthic TMDLs for segments of Goose Creek and Little River in the Goose Creek Watershed in Loudoun County. The public comment period closes on May 9, 2003.

Contact: Katherine Bennett, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3896, FAX (703) 583-3841, (804) 698-4021/TTY , e-mail kebennett@deq.state.va.us.


Litter Control and Recycling Fund Advisory Board

† **April 22, 2003 - 1 p.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A regular meeting.

Contact: G. Steven Coe, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4029, FAX (804) 698-4224, (804) 698-4021/TTY , e-mail gscoe@deq.state.va.us.


Recycling Markets Development Council

May 13, 2003 - 10 a.m. -- Open Meeting
Henrico Training Center, 7701 East Parham Road, Richmond, Virginia. 

A regular meeting.

Contact: G. Steven Coe, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4029, FAX (804) 698-4224, e-mail gscoe@deq.state.va.us.

VIRGINIA FIRE SERVICES BOARD

† **April 7, 2003 - 10 a.m.** -- Open Meeting
The Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


Code changes will be discussed/adopted at the meeting. VFBS members will be present.

Contact: Christy L. King, Policy, Planning and Legislative Affairs Manager, Virginia Fire Services Board, 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail cking@vdfp.state.va.us.


BOARD OF FUNERAL DIRECTORS AND EMBALMERS


March 25, 2003 - 9 a.m. -- Open Meeting
† **April 22, 2003 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 


The board will convene in an informal conference to hear possible violations of the laws and regulations governing the practice of funeral service.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.state.va.us.

DEPARTMENT OF GAME AND INLAND FISHERIES

† **March 25, 2003 - 7 p.m.** -- Open Meeting
NRA Building, 11250 Waples Mill Road, Fairfax, Virginia. 
(Interpreter for the deaf provided upon request)


† **March 26, 2003 - 7 p.m.** -- Open Meeting
Department of Game and Inland Fisheries, 4000 West Broad Street, Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

† **March 27, 2003 - 7 p.m.** -- Open Meeting
Greenstone Building, 106 Enterprise Drive, (Route 221 Intersection), Forest, Virginia.  (Interpreter for the deaf provided upon request)


The department is holding a series of open meetings for the purpose of receiving the public's comments regarding proposed changes to regulations governing game wildlife, hunting, and trapping. The proposals addressed at the meeting series will be those regulations or regulation amendments that the Board of Game and Inland Fisheries proposes at its March 6, 2003, meeting. A public comment period on the regulation amendments the board proposes opened on March 6 and closes May 1, 2003. The proposals will be available on the department's web site, www.dgif.state.va.us, at the department's central and regional offices, published in the Virginia Register of Regulations, and will be available at the public meetings. The public input meeting series is being held prior to the board meeting of May 1, 2003, at which the board intends to adopt final regulations or regulation amendments. The public input meetings are supplemental public hearings to the two hearings that occur at the March 6 and May 1 board meetings. Comments received on the proposals at the public input meetings will be summarized and reported to the board for their consideration at the May 1, 2003, meeting prior to their adopting final regulations.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, e-mail RegComments@dgif.state.va.us.


BOARD FOR GEOLOGY

April 24, 2003 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail geology@dpor.state.va.us.


GEORGE MASON UNIVERSITY

May 8, 2003 - 9 a.m. -- Open Meeting
George Mason University, Mason Hall, Lower Level, Fairfax, Virginia. 

A meeting of the Board of Visitors. Please call for agenda information.

Contact: Mary Roper, Secretary pro tem, George Mason University, MSN 3A1, 4400 University Dr., Fairfax, VA 22030, telephone (703) 993-8703, FAX (703) 993-8707, e-mail mroper@gmu.edu.

GUNSTON HALL PLANTATION

† **April 8, 2003 - 2:45 p.m.** -- Open Meeting
Gunston Hall Plantation, 10709 Gunston Road, Mason Neck, Virginia.  (Interpreter for the deaf provided upon request)

A semiannual meeting of the Board of Regents to review progress over the last six months and to review the budget for the coming fiscal year.

Contact: Karen Olsen, Executive Secretary, Gunston Hall Plantation, 10709 Gunston Rd., Mason Neck, VA 22079, telephone (703) 550-9220, FAX (703) 550-9480, e-mail KarenO@gunstonhall.org.


STATE BOARD OF HEALTH

April 1, 2003 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to adopt regulations entitled: **12 VAC 5-218. Rules and Regulations Governing Outpatient Health Data Reporting.** The purpose of the proposed action is to establish requirements and procedures for the reporting of outpatient patient level data.

Statutory Authority: §§ 32.1-12 and 32.1-276.6 of the Code of Virginia.

Contact: Calvin Reynolds, Director, Health Statistics, Department of Health, 1601 Willow Lawn Drive, Suite 237, Richmond, VA 23230, telephone (804) 662-6276, FAX (804) 662-7261 or e-mail: creynolds@vdh.state.va.us.

April 25, 2003 - 9 a.m. -- Open Meeting
Department of Health, Main Street Station, 1500 East Main Street, 3rd Floor Conference Room, Richmond, Virginia. 

A general business and working meeting.

Contact: Rene Cabral-Daniels, Director, Office of Health Policy, Department of Health, 1500 E. Main St., Richmond, VA 23219, telephone (804) 786-3561.

Calendar of Events

DEPARTMENT OF HEALTH

State Emergency Medical Services Advisory Board

May 8, 2003 - 3 p.m. -- Open Meeting

Office of EMS, 1538 East Parham Road, Richmond, Virginia.

A meeting of the Regulation and Policy Committee.

Contact: David E. Cullen, Jr., Manager, Division of Enforcement and Compliance, Advisory Board of State Emergency Medical Services, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, FAX (804) 371-3543, toll-free (800) 523-6019, e-mail dcullen@vdh.state.va.us.

May 9, 2003 - 1 p.m. -- Open Meeting

The Place at Innsbrook, 4036-C Cox Road, Glen Allen, Virginia.


A quarterly meeting.

Contact: Gary R. Brown, Director, Department of Health, 1538 E. Parham Rd., Richmond, VA 23228, telephone (804) 371-3500, FAX (804) 371-3543, toll-free (800) 523-6019, e-mail gbrown@vdh.state.va.us.

DEPARTMENT OF HEALTH PROFESSIONS

April 18, 2003 - 9 a.m. -- Open Meeting

† June 20, 2003 - 9 a.m. -- Open Meeting


Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

A bimonthly meeting of the Intervention Program Committee for the Health Practitioners' Intervention Program.


Contact: Donna P. Whitney, Intervention Program Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9424, FAX (804) 662-7358, e-mail donna.whitney@dhp.state.va.us.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† April 7, 2003 - 10 a.m. -- Open Meeting

Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. 

A regular business meeting to review and evaluate public comment and requested amendments to proposed regulations and adopt final regulations for the following regulations: Virginia Certification Standards (13 VAC 5-21), Virginia Amusement Device Regulations (13 VAC 5-31), Virginia Uniform Statewide Building Code (13 VAC 5-61), Standards Governing Operations of Individual and Regional Code Academies/1990 (13 VAC 5-80), and the Statewide Fire Prevention Code (13 VAC 5-51).


Contact: Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7000, FAX (804) 371-7090, (804) 371-7089/TTY , e-mail scalhoun@dhcd.state.va.us.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

March 24, 2003 - 9 a.m. -- Open Meeting

Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia.

A regular meeting of the Board of Commissioners to review and, if appropriate, approve the minutes from the prior monthly meeting. The board may consider for approval and ratification mortgage loan commitments under its multi-family mortgage loan programs; will review the authority's operations for the prior month; and consider such other matters and take such other actions as they may deem appropriate. The Board of Commissioners will hold a retreat meeting on March 23, 2003, commencing at noon and may continue such retreat meeting on March 24, 2003, commencing at 9 a.m. The regular meeting will commence following the conclusion of the retreat meeting. Also, various committees of the Board of Commissioners, including the Programs Committee, the Audit/Operations Committee, the Policy Committee, and the Committee of the Whole, may also meet during the day preceding the regular meeting and before and after the regular meeting and may consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.


Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, (804) 783-6705/TTY 

JAMESTOWN-YORKTOWN FOUNDATION

May 7, 2003 - 2 p.m. -- Open Meeting


Location to be determined.  (Interpreter for the deaf provided upon request)

A meeting of the Jamestown 2007 Steering Committee's Executive Committee. Public comment will not be heard.


Contact: Stacey Ruckman, Jamestown 2007 Executive Assistant, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4659, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY , e-mail sruckman@jyf.state.va.us.

May 15, 2003 - 10 a.m. -- Open Meeting


May 16, 2003 - 8 a.m. -- Open Meeting

Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)


Semi-annual board and committee meetings. Specific schedule not yet confirmed. Public comment will not be heard.

Contact: Laura W. Bailey, Executive Assistant to the Boards, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4840, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY , e-mail lwbailey@jyf.state.va.us.

June 11, 2003 - Noon -- Open Meeting


The Library of Virginia, 800 East Broad Street, Rooms A and B, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Jamestown 2007 Steering Committee.
Public comment will not be heard.

Contact: Stacey Ruckman, Jamestown 2007 Executive Assistant, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4659, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-7236/TTY , e-mail sruckman@jyf.state.va.us.

DEPARTMENT OF LABOR AND INDUSTRY


Virginia Migrant and Seasonal Farmworkers Board

April 30, 2003 - 10 a.m. -- Open Meeting
State Capitol, House Room 1, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A regular quarterly meeting.

Contact: Betty B. Jenkins, Board Administrator, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 371-6524, (804) 786-2376/TTY , e-mail bbj@doli.state.va.us.

STATE LIBRARY BOARD


† June 16, 2003 - 8:15 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. 

A meeting to discuss matters pertaining to The Library of Virginia and the board. Committees of the board will meet as follows:


8:15 a.m. - Public Library Development Committee, Orientation Room;
Publications and Educational Services Committee, Conference Room B;
Records Management Committee, Conference Room C.

9:30 a.m. - Archival and Information Services Committee, Orientation Room;
Collection Management Services Committee, Conference Room B;
Legislative and Finance Committee, Conference Room C.


10:30 a.m. - Library Board, Conference Room 2M.

Contact: Jean H. Taylor, Executive Secretary to the Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-2000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY , e-mail jtaylor@lva.lib.va.us.

VIRGINIA MANUFACTURED HOUSING BOARD

† April 10, 2003 - 10 a.m. -- Open Meeting
The Jackson Center Board Room, 501 North Second Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting to handle complaints and claims against licensees, review claims to the Recovery Fund and carry out administrative functions of the Manufactured Housing Licensing and Transaction Recovery Fund Regulations.

Contact: Curtis L. McIver, State Building Code Administrator, Virginia Manufactured Housing Board, 501 N. 2nd Street, Richmond, VA 23219, telephone (804) 371-7160, FAX (804) 371-7092, (804) 371-7089/TTY , e-mail cmciver@dhcd.state.va.us.

BOARD OF MEDICAL ASSISTANCE SERVICES

March 28, 2003 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-70. Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care** and **12 VAC 30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care**. The purpose of the proposed action is to retain the outpatient hospital reimbursement methodology prior to Medicare's conversion to its current APC methodology and to promulgate a Graduate Medical Education methodology to provide an appropriate apportionment of these costs related to interns and residents at the state teaching hospitals.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Contact: Peterson Epps, Reimbursement Analyst, Division of Reimbursement, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4591, FAX (804) 786-1680, or e-mail pepps@dmass.state.va.us.

March 28, 2003 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care**. The purpose of the proposed action is to comply with the legislative mandate contained in Chapter 899 of the 2002 Acts of Assembly, Item 3325 FF and JJ(2), to modify the reimbursement methodology for pharmacy services. These changes entail discounting the average wholesale price (AWP) by 10.25% and redefining Virginia Maximum Allowable Cost methodology to include all products that participate in pharmaceutical manufacturers' rebate programs.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Contact: Alissa Nashwinter, Manager, Division of Program Operations, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone

Calendar of Events

(804) 225-2973, FAX (804) 786-1680 or e-mail anashwinter@dmass.state.va.us.

March 28, 2003 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care.** The purpose of the proposed action is to provide supplemental payments to Type I physicians who are members of group practices affiliated with either a state academic health system or an academic health system that operates under a state authority.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Contact: William Lessard, Analyst, Division of Reimbursement, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4593, FAX (804) 786-1680, or e-mail wlessard@dmass.state.va.us.

March 28, 2003 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-90. Methods and Standards for Establishing Payment Rates for Long-Term Care.** The purpose of the proposed action is to comply with the legislative mandate of Chapter 899, Item 325 HH to decrease the indirect patient care operating ceiling and eliminate increase for inflation for indirect patient case rates and peer group ceilings for indirect costs in SFY 2003. This action also proposes to institute the requirement that nursing facilities file reports when they have credit balances.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Contact: James Branham, Analyst, Division of Reimbursement, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 225-4587, FAX (804) 786-1680 or e-mail jbranham@dmass.state.va.us.

April 11, 2003 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-70. Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care.** The purpose of the proposed action is to conform the state plan to the mandate

of the 2002 Session of the General Assembly in Chapter 899 of the 2002 Acts of Assembly, Item 325 KK.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public comments may be submitted until April 11, 2003, to Peterson Epps, Reimbursement Analyst, Division of Reimbursement, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680, or e-mail vsimmons@dmass.state.va.us.


April 11, 2003 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to adopt regulations entitled: **12 VAC 30-141. Family Access to Medical Insurance Security Plan.** The purpose of the proposed action is to promulgate service coverages, eligibility requirements, fair hearings, utilization review requirements and payment standards.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public comments may be submitted until April 11, 2003, to Linda Nablo, Director, Child Health Program, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680, or e-mail vsimmons@dmass.state.va.us.

May 13, 2003 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia. 

A regular business meeting.

Contact: Nancy Malczewski, Board Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8096, FAX (804) 371-4981, (800) 343-0634/TTY , e-mail nmalczew@dmass.state.va.us.

† May 23, 2003 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medical Assistance Services intends to adopt regulations entitled: **12 VAC 12-30-135. Demonstration Waiver Services.** The purpose of the proposed action is to establish family planning waiver program by extending Medicaid coverage for family planning services, annual gynecological exams, and testing for sexually transmitted diseases up to 24 months

postpartum to women who received a Medicaid-reimbursed pregnancy-related service on or after October 1, 2002.

The agency does not intend to hold a public hearing on the proposed action.

Statutory Authority: § 32.1-325 of the Code of Virginia and Item 325 M of Chapter 899 of the 2002 Acts of Assembly.

Public comments may be submitted until May 23, 2003, to Deborah Sprang, Policy Analyst, Policy Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680, or e-mail vsimmons@dmass.state.va.us.

BOARD OF MEDICINE

March 28, 2003 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to amend regulations entitled: **18 VAC 85-20. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, and Chiropractic.** The purpose of the proposed action is to amend the regulations to comply with a statutory mandate found in § 54.1-2910.1 as amended by Chapter 38 of the 2002 Acts of Assembly. The statute requires certain changes to the practitioner profile system for doctors of medicine, osteopathy and podiatry to include the addition of telephone numbers, e-mail and FAX numbers for dissemination of emergency information and information on felony convictions.

Statutory Authority: §§ 54.1-2400 and 54.1-2910.1 of the Code of Virginia.

Public comments may be submitted until March 28, 2003, to William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

† April 2, 2003 - 11 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 4, Richmond, Virginia.

A meeting of the Ad Hoc Committee on Sanction Reference Study to continue discussions with the study team on development of a sanctions reference report for the board. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

† May 6, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 4, Richmond, Virginia.

A meeting of the Advisory Board on Athletic Training to discuss regulatory issues and other items that may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

† May 7, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 4, Richmond, Virginia.

The following boards will meet to consider regulatory, legislative, and disciplinary matters:

9 a.m. - Advisory Board on Acupuncture
1 p.m. - Advisory Board on Radiologic Technology

Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

† May 8, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 4, Richmond, Virginia.

The following boards will meet to consider regulatory, legislative, and disciplinary matters:

9 a.m. - Advisory Board on Occupational Therapy
1 p.m. - Advisory Board on Respiratory Care

Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

† May 9 2003 - 11 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Board Room 4, Richmond, Virginia.

A meeting of the Advisory Board on Physician Assistants to consider legislative and disciplinary matters. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

Calendar of Events

† May 16, 2003 - 8:30 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, Board Room 2, Richmond, Virginia.

A meeting of the Legislative Committee to consider regulatory or legislative issues that may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

† June 5, 2003 - 8 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, Board Room 2, Richmond, Virginia.

The board will conduct a general business meeting including consideration of regulatory, legislative and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.state.va.us.

Informal Conference Committee

March 27, 2003 - 9:15 a.m. -- Canceled

April 24, 2003 - 9 a.m. -- Open Meeting

Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

NOTE: CHANGE IN MEETING TIME

April 4, 2003 - 1 p.m. -- Open Meeting

April 9, 2003 - 8:45 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

April 23, 2003 - 9:30 a.m. -- Open Meeting

Williamsburg Marriott Hotel, 50 Kingsmill Road, Williamsburg, Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler or Renee Dixon, Staff, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail Peggy.Sadler@dhp.state.va.us.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

March 26, 2003 - 1 p.m. -- Open Meeting

The Place at Innsbrook, 4036-C Cox Road, Glen Allen, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Olmstead Task Force.

Contact: Fran M. Sadler, Administrative Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 786-8019, FAX (804) 786-9248, (804) 371-8977/TTY ☎, e-mail fsadler@dmhmrsas.state.va.us.

† May 23, 2003 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to amend regulations entitled: **12 VAC 35-105. Rules and Regulations for the Licensing of Facilities and Providers of Mental Health, Mental Retardation and Substance Abuse Services.** The purpose of the proposed action is to amend the regulations to incorporate provisions to license providers of services funded by the Individual and Family Development Disabilities Support (IFDDS) Waiver.

The agency does not intend to hold a public hearing on the proposed action.

Statutory Authority: §§ 37.1-10, 37.1-179.1 and 37.1-182 of the Code of Virginia.

Contact: Leslie Anderson, Director, Office of Licensing, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 371-6885, FAX (804) 692-0066 or e-mail landerson@dmhmrsas.state.va.us.

STATE MILK COMMISSION

May 21, 2003 - 10:45 a.m. -- Open Meeting

Department of Agriculture and Consumer Services, 1100 Bank Street, Room 204, Second Floor Board Room, Richmond, Virginia. ♿

A regular meeting to consider industry issues, distributor licensing, base transfers, baseholder license amendments, fiscal matters, and to review reports from agency staff. In addition, the agency will consider public comment and evidence in regard to a review of its regulations to ascertain if they should be retained, amended, repealed or if further study and analysis may be required. The commission offers anyone an opportunity to speak at the conclusion of the meeting. Those persons requiring special accommodations to participate in the meeting should contact Edward C. Wilson, Jr. at least five working days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth St. Office Bldg., 202 N. Ninth St., Room 915, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.

May 21, 2003 - 10:45 a.m. -- Public Hearing
Department of Agriculture and Consumer Services, 1100 Bank Street, Room 204, 2nd Floor Board Room, Richmond, Virginia ♿

A public hearing pursuant to Executive Order Number Twenty-One (2002), § 2.2-4017 of the Code of Virginia and agency regulation 2 VAC 15-11-100. The Virginia State Milk Commission intends to commence a review of regulations 2 VAC 15-11-10 through 2 VAC 15-11-120 and 2 VAC 15-20-10 through 2 VAC 15-20-130. This review is to determine if these regulations should be terminated, amended or retained in their current form. The review shall be guided by the principles specified in Executive Order Number Twenty-One. The commission seeks public comment on the regulation's interference in public enterprise and life, essential need for the regulation, less burdensome and intrusive alternatives to the regulation, specific and measurable goals that the regulation is intended to achieve, and whether the regulation is clearly written and easily understandable. It is also requested that public comment address the regulation's effectiveness, efficiency, and cost of compliance. The commentator should provide comments in addition to the above referenced matters the following: name, mailing address, telephone number, and, if applicable, the organization represented, number and title of the specific regulation addressed, the commentator's interest in the regulation, a description on the need and justification for development, repeal, or amendment of the regulation, suggested language for a developed or amended regulation, a statement of impact on the commentator and/or other affected parties. This hearing will be conducted under the provisions of 2 VAC 15-20-125.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth St. Office Bldg., 202 N. Ninth St., Room 915, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.

VIRGINIA MUSEUM OF FINE ARTS

April 1, 2003 - 8 a.m. -- Open Meeting
† **May 6, 2003 - 8 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia. ♿

A monthly meeting of the Executive Committee for staff to update trustees. Public comment will not be heard.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Avenue, Richmond, Virginia 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ♿, e-mail sbroyles@vmfa.state.va.us.

† **June 19, 2003 - Noon** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. ♿

An annual meeting of the Executive/Finance Committee to approve the museum's budget. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, Virginia 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ♿, e-mail sbroyles@vmfa.state.va.us.

BOARD OF NURSING

May 12, 2003 - 9 a.m. -- Open Meeting
May 13, 2003 - 9 a.m. -- Open Meeting
May 15, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A panel of the board will conduct formal hearings with licensees or certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ♿, e-mail nursebd@dhp.state.va.us.

Special Conference Committee

April 2, 2003 - 9 a.m. -- Open Meeting
April 7, 2003 - 9 a.m. -- Open Meeting
April 8, 2003 - 9 a.m. -- Open Meeting
April 14, 2003 - 9 a.m. -- Open Meeting
April 22, 2003 - 9 a.m. -- Open Meeting
† **April 24, 2003 - 9 a.m.** -- Open Meeting
April 29, 2003 - 9 a.m. -- Open Meeting
June 3, 2003 - 9 a.m. -- Open Meeting
June 9, 2003 - 9 a.m. -- Open Meeting
† **June 24, 2003 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ♿
June 10, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

A Special Conference Committee, comprised of two or three members of the Virginia Board of Nursing, will conduct informal conferences with licensees and/or certificate holders. Public comment will not be received.

Contact: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 West Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ♿, e-mail nursebd@dhp.state.va.us.

OLD DOMINION UNIVERSITY

April 11, 2003 - 1:30 p.m. -- Open Meeting
† **June 17, 2003 - 1:30 p.m.** -- Open Meeting
Old Dominion University, Webb University Center, Norfolk, Virginia. ♿

Calendar of Events

A quarterly meeting of the governing board of the institution to discuss business of the board and the institution as determined by the Rector and the President. Public comment will not be received. Standing committees will meet on the two days prior to the full board meeting.

Contact: Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

May 12, 2003 - 3 p.m. -- Open Meeting
Old Dominion University, Webb University Center, Norfolk, Virginia. ☎

A regular meeting of the executive committee of the governing board of the institution to discuss business of the board and the institution as determined by the Rector and the President. Public comment will not be received by the board.

Contact: Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

BOARD OF PHARMACY

† **March 24, 2003 - 9 a.m. -- Open Meeting**
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ☎

A meeting of the Regulation Committee to develop draft regulations pursuant to a periodic review of regulations governing the practice of pharmacy. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY ☎, e-mail scott.russell@dhp.state.va.us.

April 11, 2003 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to amend regulations entitled: **18 VAC 110-20. Regulations Governing the Practice of Pharmacy**. The purpose of the proposed action is to implement the changes in requirements for pharmacy practice pursuant to Chapter 632 of the 2002 Acts of Assembly to allow chart orders for hospice or home infusion, to permit different methods of keeping dispensing records and to allow for delivery of prescription drugs to alternative sites. Statutory revisions in Chapters 411, 666 and 707 of the 2002 Acts of Assembly require amendments to allow a nursing home to donate unused drugs or a physician to dispense donated drugs provided basic requirements for security, storage, labeling and recordkeeping have been observed to protect the safety, integrity and efficacy of the drugs.

Statutory Authority: §§ 54.1-2400 and 54.1-3307 of the Code of Virginia.

Public comments may be submitted until April 11, 2003, to Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

Special Conference Committee

March 27, 2003 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. ☎

A meeting of the Special Conference Committee to discuss disciplinary matters. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

BOARD OF PHYSICAL THERAPY

March 24, 2003 - 10 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A formal administrative hearing to hear possible violations of the laws and regulations governing the practice of physical therapy.

Contact: Elizabeth Young, Executive Director, Board of Physical Therapy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail elizabeth.young@dhp.state.va.us.

POLYGRAPH EXAMINERS ADVISORY BOARD

† **June 18, 2003 - 10 a.m. -- Open Meeting**
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A meeting to conduct board business.

Contact: Eric Olson, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY ☎, e-mail olson@dpor.state.va.us.

VIRGINIA PUBLIC BROADCASTING BOARD

March 26, 2003 - 10 a.m. -- Open Meeting
May 14, 2003 - 10 a.m. -- Open Meeting
State Capitol, House Room 1, Richmond, Virginia. ☎
(Interpreter for the deaf provided upon request)

A regular meeting.

Contact: James Roberts, Deputy Secretary of Administration, 202 N. 9th St., Richmond, VA 23219, telephone (804) 786-1201, FAX (804) 371-0038, e-mail jroberts@gov.state.va.us.

REAL ESTATE APPRAISER BOARD

† **May 13, 2003 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A meeting to conduct board business.

Contact: Christine Martine, Executive Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reappraisers@dpor.state.va.us.

REAL ESTATE BOARD

† **March 26, 2003 - 1 p.m.** -- Open Meeting
† **March 26, 2003 - 2 p.m.** -- Open Meeting
April 9, 2003 - 9 a.m. -- Open Meeting
April 10, 2003 - 9 a.m. -- Open Meeting
† **May 7, 2003 - 10 a.m.** -- Open Meeting
May 21, 2003 - 9 a.m. -- Open Meeting
May 22, 2003 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct informal fact-finding conferences. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Debbie Amaker, Legal Assistant, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8582, FAX (804) 367-0194, (804) 367-9753/TTY , e-mail amaker@dpor.state.va.us.

March 26, 2003 - 4 p.m. -- Open Meeting
† **May 7, 2003 - 4 p.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A meeting of the Education Committee to review education applications.

Contact: Christine Martine, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reboard@dpor.state.va.us.

March 27, 2003 - 8:30 a.m. -- Open Meeting
† **May 8, 2003 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A meeting to review fair housing cases.

Contact: Christine Martine, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St.,

Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reboard@dpor.state.va.us.

March 27, 2003 - 9 a.m. -- Open Meeting
† **May 8, 2003 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

A general business meeting.

Contact: Christine Martine, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reboard@dpor.state.va.us.

REFORESTATION OF TIMBERLANDS BOARD

March 26, 2003 - 10 a.m. -- Open Meeting
Virginia Department of Forestry, 900 Natural Resources Drive,
Charlottesville, Virginia.

A meeting to review the current budget.

Contact: Phil T. Grimm, Staff Forester, Reforestation of Timberlands Board, 900 Natural Resources Dr., Suite 800, Charlottesville, VA 22903, telephone (434) 977-6555, FAX (434) 296-2369, e-mail grimmp@dof.state.va.us.

BOARD OF REHABILITATIVE SERVICES

April 24, 2003 - 10 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.

A meeting to conduct quarterly business. Public comments will be received at approximately 10:15 a.m. Interpreter for the deaf provided with two weeks' advance notice.

Contact: Barbara Tyson, Administrative Staff Specialist, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7010, FAX (804) 662-7696, toll-free (800) 552-5019, (804) 662-9040/TTY , e-mail tysonbg@drs.state.va.us.

DEPARTMENT OF REHABILITATIVE SERVICES

April 11, 2003 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Rehabilitative Services intends to amend regulations entitled: **22 VAC 30-20. Provision of Vocational Rehabilitation Services.** The purpose of the proposed action is to allow the department to enter into an order of selection to provide services to eligible individuals in an efficient and economical matter in the event that the full range of vocational rehabilitation services cannot be provided to all persons determined to be eligible because of unavailable resources.

Statutory Authority: § 51.5-14 of the Code of Virginia.

Calendar of Events

Contact: Elizabeth Smith, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7071, FAX (804) 662-7696, toll-free (800) 552-5019, (800) 464-9950/TTY ☎, e-mail smithee@drs.state.va.us.

VIRGINIA RESOURCES AUTHORITY

April 8, 2003 - 9 a.m. -- Open Meeting
Virginia Resources Authority, 707 East Main Street, 13th Floor, Suite 1350, Richmond, Virginia. ☎

A regular meeting of the Board of Directors to (i) review and, if appropriate, approve the minutes from the most recent monthly meeting; (ii) review the authority's operations for the prior month; (iii) review applications for loans submitted to the authority for approval; (iv) consider loan commitments for approval and ratification under its various programs; (v) approve the issuance of bonds; (vi) review the results of bond sales; and (vii) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Directors may also meet immediately before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting and any committee meetings will be available at the offices of the authority one week prior to the date of the meeting. Any person who needs any accommodation in order to participate in the meeting should contact the authority at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Bonnie R. C. McRae, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bmcrac@vra.state.va.us.

SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

† **April 9, 2003 - 10 a.m.** -- Open Meeting
† **May 21, 2003 - 10 a.m.** -- Open Meeting
Henrico County Government Center, 8600 Dixon Powers Drive, Human Resource Board Room, Richmond, Virginia.

A meeting to hear appeals of health department denials of septic tank permits and indemnification fund claims.

Contact: Susan C. Sherertz, Business Manager A, Sewage Handling and Disposal Appeal Review Board, 1500 E. Main St., Room 117, Richmond, VA 23219, telephone (804) 371-4236, FAX (804) 225-4003, e-mail ssherertz@vdh.state.va.us.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

March 25, 2003 - 11 a.m. -- Open Meeting
Department of Business Assistance, 707 East Main Street, 3rd Floor, Richmond, Virginia. ☎

A meeting to review applications for loans submitted to the authority for approval and general business of the board.

Meeting time is subject to change depending upon the agenda of the board.

Contact: Scott E. Parsons, Executive Director, Department of Business Assistance, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8256, FAX (804) 225-3384, e-mail sparsons@dba.state.va.us.

STATE BOARD OF SOCIAL SERVICES

April 11, 2003 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to amend regulations entitled: **22 VAC 40-11. Public Participation Guidelines**. The purpose of the proposed action is to make editorial changes throughout the regulation to improve clarity. Code of Virginia citations will be corrected to reflect the recodification of Title 2.2 and Title 63.2 of the Code of Virginia. 22 VAC 40-11-40 will be amended to reflect the provisions of Chapter 241 of the 2002 Acts of Assembly. 22 VAC 40-11-50 will be amended to provide electronic transmission of information to include e-mail notifications, receiving public comment by e-mail and use of the Internet for dissemination and collection of comment on regulatory actions. This section will also be revised to reflect the statutory changes of Chapter 717 of the 1995 Acts of Assembly, which make publication of proposed regulations in a newspaper of general circulation discretionary rather than mandatory.

Statutory Authority: §§ 2.2-4007 and 63.2-217 of the Code of Virginia.

Contact: Richard Martin, Regulatory Coordinator, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1825, FAX (804) 692-1814, or e-mail lrn2@dss.state.va.us.

April 11, 2003 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to adopt regulations entitled: **22 VAC 40-685. Virginia Energy Assistance Program -- Home Energy Assistance Program**. The purpose of the proposed action is to promulgate regulations to implement the Home Energy Assistance Program. The Home Energy Assistance Program was established pursuant to Chapter 676 of the 2001 Acts of Assembly (House Bill 2473). These regulations replace emergency regulations.

Statutory Authority: §§ 63.2-217 and 63.2-805 of the Code of Virginia.

Contact: Margaret Friedenberg, Director, Special Programs, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1728, FAX (804) 692-1469, or e-mail mjf900@dcse.dss.state.va.us.

April 11, 2003 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to adopt regulations entitled: **22 VAC 40-910. General Provisions for Maintaining and Disclosing Confidential Information of Public Assistance, Child Support Enforcement, and Social Services Records.** The purpose of the proposed action is to replace an emergency regulation that expires on August 31, 2003. The proposed regulation establishes separate sections for the confidentiality of public assistance, child support enforcement, and social services programs administered by the Department of Social Services and local departments of social services. Except as provided by federal and state laws and regulations, no records or information concerning applicants for and recipients of public assistance or child support are accessible except for purposes directly connected with the administration of the public assistance and child support enforcement programs. Social services records and information are confidential except they are accessible to persons having a legitimate interest in accordance with federal and state laws and regulations.

Statutory Authority: §§ 63.2-102, 63.2-103, 63.2-104, 63.2-105, 63.2-217 of the Code of Virginia.

Contact: Lynette Isbell, Policy and Planning Manager, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1821, FAX (804) 692-2425, or e-mail lwi2@email1.dss.state.va.us.

April 16, 2003 - 9 a.m. -- Open Meeting

April 17, 2003 - 9 a.m. -- Open Meeting
Albemarle County Office Building, 401 McIntire Road, Charlottesville, Virginia. ☎

A regular meeting of the Board of Social Services.

Contact: Pat Rengnerth, Board Liaison, State Board of Social Services, Division of Legislative Affairs, 730 E. Broad St., Room 812, Richmond, VA 23219-1849, telephone (804) 692-1826, FAX (804) 692-1960, (800) 828-1120/TTY ☎, e-mail pvr2@email1.dss.state.va.us.

DEPARTMENT OF SOCIAL SERVICES

April 12, 2003 - 10 a.m. -- Open Meeting
Hotel Roanoke, Roanoke, Virginia.

A quarterly meeting of the Virginia Commission on National and Community Service. The commission will discuss issues regarding the commission's federal mandate from the Governor, the Corporation for National and Community Service, and the Commission Chair.

Contact: Felicia Jones, Administrative Assistant, Department of Social Services, 730 E. Broad St., 8th Floor, Richmond, VA 23219, telephone (804) 692-1998, FAX (804) 692-1999, toll-free (800) 638-3839.

BOARD OF SOCIAL WORK

April 11, 2003 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Social Work intends to amend regulations entitled: **18 VAC 140-20. Regulations Governing the Practice of Social Work.** The purpose of the proposed action is to amend regulations regarding dual relationships and specify a time of two years post termination of the therapeutic relationship with the burden of proof on the clinician and to revise the name of one organization recognized as an approved provider of continuing education.

Statutory Authority: §§ 54.1-2400 and Chapter 37 (§ 54.1-3700 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until April 11, 2003, to Evelyn B. Brown, Executive Director, Board of Social Work, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

† May 9, 2003 - 10 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Richmond, Virginia. ☎

A business meeting to discuss board and regulatory matters as well as give committee reports. Public comment will be heard at the beginning of the meeting.

Contact: Arnice Covington, Administrative Assistant, Board of Social Work, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9914, FAX (804) 662-7250, (804) 662-7197/TTY ☎, e-mail arnice.covington@dhp.state.va.us.

DEPARTMENT OF TECHNOLOGY PLANNING

Virginia Geographic Information Network Advisory Board

May 1, 2003 - 1:30 p.m. -- Open Meeting
Richmond Plaza Building, 110 South 7th Street, 3rd Floor Training Room, Richmond, Virginia. ☎

A regular meeting.

Contact: Bill Shinar, VGIN Coordinator, Department of Technology Planning, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-8175, FAX (804) 371-2795, e-mail bshinar@vgin.state.va.us.

Wireless E-911 Services Board

May 14, 2003 - 9 a.m. -- Open Meeting
Richmond Plaza Building, 110 South 7th Street, 3rd Floor Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

Calendar of Events

A request will be made to hold a meeting of the CMRS subcommittee at 9 a.m. in closed session. A regular monthly meeting of the full board will begin at 10 a.m.

Contact: Steven Marzolf, Public Safety Communications Coordinator, Department of Technology Planning, 110 South 7th Street, Richmond, VA 23219, telephone (804) 371-0015, e-mail smarzolf@ntp.state.va.us.

COUNCIL ON TECHNOLOGY SERVICES

April 3, 2003 - 2 p.m. -- Open Meeting

May 1, 2003 - 2 p.m. -- Open Meeting

June 5, 2003 - 2 p.m. -- Open Meeting

Department of Information Technology, 110 South 7th Street, 3rd Floor, Executive Conference Room, Richmond, Virginia.


A regular monthly meeting of the Executive Committee. Agenda and meeting information available at www.cots.state.va.us.

Contact: Jenny Hunter, COTS Executive Director, Council on Technology Services, Department of Technology Planning, 110 S. 7th St., Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jhunter@gov.state.va.us.

April 9, 2003 - 9:30 a.m. -- Open Meeting

May 14, 2003 - 9:30 a.m. -- Open Meeting

† June 11, 2003 - 9:30 a.m. -- Open Meeting

Department of Motor Vehicles, 2300 West Broad Street, 7th Floor, Executive Conference Room, Richmond, Virginia. 


A regular monthly meeting of the Change Management Workgroup. Agenda and details available at www.cots.state.va.us.

Contact: Jenny Hunter, COTS Executive Director, Council on Technology Services, Department of Technology Planning, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jhunter@gov.state.va.us.

April 17, 2003 - 3 p.m. -- Open Meeting

May 15, 2003 - 3 p.m. -- Open Meeting

† June 19, 2003 - 3 p.m. -- Open Meeting

Department of Rehabilitative Services, 8004 Franklin Farms Drive, Lee Building, Rooms 101, 103, and 105, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular monthly meeting of the Security Workgroup. Agenda and more details can be found at www.cots.state.va.us.

Contact: Jenny Hunter, Executive Director, Council on Technology Services, Department of Technology Planning, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-9579, FAX (804) 786-9584, e-mail jhunter@gov.state.va.us.

COMMONWEALTH TRANSPORTATION BOARD

April 17, 2003 - 9 a.m. -- Open Meeting

Northern Virginia District Headquarters, 14685 Avion Parkway, Chantilly, Virginia.

† May 14, 2003 - 2 p.m. -- Open Meeting

Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

Contact: Sandra M. Mills, Assistant Legislative Coordinator, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 225-4701, FAX (804) 225-4700, e-mail Sandee.Mills@VirginiaDOT.org.

NOTE: CHANGE IN MEETING TIME

April 17, 2003 - 11 a.m. -- Open Meeting

Northern Virginia District Headquarters, 14685 Avion Parkway, Chantilly, Virginia.

† May 15, 2003 - 9 a.m. -- Open Meeting

Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 


A monthly meeting to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact VDOT Public Affairs at (804) 786-2715 for schedule.

Contact: Sandra M. Mills, Agency Regulatory Coordinator, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 225-4701, FAX (804) 225-4700, e-mail Sandee.Mills@VirginiaDOT.org.

TREASURY BOARD

April 16, 2003 - 9 a.m. -- Open Meeting

† May 21, 2003 - 9 a.m. -- Open Meeting


James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Room, Richmond, Virginia. 

A regular meeting.

Contact: Melissa Mayes, Treasury Board Secretary, Department of the Treasury, 101 N. 14th St., 3rd Floor, Treasury Board Room, Richmond, VA 23219, telephone (804) 371-6011, FAX (804) 225-3187, e-mail melissa.mayes@trs.state.va.us.

UNIVERSITY OF VIRGINIA

† April 3, 2003 - 1:30 p.m. -- Open Meeting


University of Virginia, The Rotunda, Lower East Oval Room, Charlottesville, Virginia. 

The Buildings and Grounds and Finance Committees will meet to review the 2004-2010 Six-Year Capital Outlay Plan.

Contact: Penney Catlett, Assistant to the Assistant Vice President for University Relations, University of Virginia, PO

Box 400229, Charlottesville, VA 22904, telephone (434) 924-7620, FAX (434) 924-0938, e-mail pdcc@virginia.edu.


VIRGINIA WAR MEMORIAL FOUNDATION

† **April 1, 2003 - Noon** -- Open Meeting
Virginia War Memorial, 621 Belvidere Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular, quarterly meeting of the Board of Trustees. Public comments will be received at the conclusion of the meeting.

Contact: Jon C. Hatfield, Executive Director, Virginia War Memorial Foundation, 621 S. Belvidere St., Richmond, VA 23220, telephone (804) 786-2060, FAX (804) 786-6652, e-mail jhatfield@vawarmemorial.state.va.us.

VIRGINIA WASTE MANAGEMENT BOARD

† **March 28, 2003 - 9:30 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

A regular board meeting.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmberndt@deq.state.va.us.

March 28, 2003 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: **9 VAC 20-60. Virginia Hazardous Waste Management Regulations**. The purpose of the proposed action (Amendment 16) is to increase the permit application fees for transporters, new TSD facilities, permit modifications, minor permit modifications and emergency permits.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Contact: Robert G. Wickline, Virginia Waste Management Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4213 or e-mail rgwickline@deq.state.va.us.


March 28, 2003 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: **9 VAC 20-90. Solid Waste Management Facility Permit Fees**. The purpose of the proposed action is to increase fees for solid waste management facilities.


Statutory Authority: §§ 10.1-1402 and 10.1-1402.1 of the Code of Virginia

Contact: Melissa Porterfield, Virginia Waste Management Board, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4238 or e-mail msporterfi@deq.state.va.us.


BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS

April 2, 2003 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail wastemgt@dpoc.state.va.us.

STATE WATER CONTROL BOARD

† **March 25, 2003 - 9 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Richmond, Virginia. 

A regular board meeting.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmberndt@deq.state.va.us.

April 2, 2003 - 10 a.m. -- Public Hearing
Department of Environmental Quality Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

April 25, 2003 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to adopt regulations entitled: **9 VAC 25-740. Regulation for Wastewater Reclamation and Reuse**. The purpose of the proposed action is to establish requirements for the reclamation and reuse of wastewater and processes for acting on requests for reclamation and reuse of wastewater.

Statutory Authority: § 62.1-44.15 of the Code of Virginia

Public comments may be submitted until April 25, 2003.

Contact: Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054 or e-mail ychoi@deq.state.va.us.

April 11, 2003 - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends

Calendar of Events

to amend regulations entitled: **9 VAC 25-193. General Virginia Pollutant Discharge Elimination System Permit for Ready-Mixed Concrete Plants.** The purpose of the proposed action is to reissue the existing general permit that expires on September 30, 2003. The general permit will establish limitations and monitoring requirements for point source discharges of storm water and process wastewater from ready-mixed concrete plants.

Statutory Authority: § 62.1-44.15 of the Code of Virginia.


Contact: Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054, FAX (804) 698-4032, e-mail ychoi@deq.state.va.us.

† **April 24, 2003 - 7 p.m.** -- Open Meeting
Loudoun County Sanitation Authority, 880 Harrison Street, SE, Leesburg, Virginia. 

A public meeting to receive comments on the board's Notice of Intent to amend the Dulles Area Watershed Policy.

Contact: Thomas A. Faha, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3846, FAX (703) 583-3801, e-mail tafaha@deq.state.va.us.


BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† **June 19, 2003 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail waterwasteoper@dpor.state.va.us.

THE COLLEGE OF WILLIAM AND MARY


† **March 24, 2003 - 2 p.m.** -- Open Meeting
Blow Hall Board Room, 262 Richmond Road, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Board of Visitors' Committee on Financial Affairs. There will be no opportunity for public comment.

Contact: William T. Walker, Jr., Associate Vice President for Public Affairs, The College of William and Mary, 312 Jamestown Rd., Williamsburg, VA 23185, telephone (757) 221-2624, FAX (757) 221-1021, e-mail wtwal2@wm.edu.

April 24, 2003 - Noon -- Open Meeting

April 25, 2003 - 8 a.m. -- Open Meeting


Blow Memorial Hall Board Room, 262 Richmond Road, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

The board will receive reports from its committees and the administrations of Richard Bland College and the College of William and Mary and will act on those resolutions


presented by the administrations. The meetings are open to the public, but there will be no opportunity for public comment.

Contact: William T. Walker, Jr., Associate Vice President for Public Affairs, The College of William and Mary, 312 Jamestown Rd., Williamsburg, VA 23185, telephone (757) 221-2624, FAX (757) 221-1021, e-mail wtwal2@wm.edu.

VIRGINIA WORKFORCE COUNCIL


March 27, 2003 - 10 a.m. -- Open Meeting
Lewis Ginter Botanical Gardens, 1800 Lakeside Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

WIA workforce first, self-sufficiency and limited funds policies; WIA 10% statewide budget; additional state performance measures; General Assembly workforce actions; incumbent worker policy.


Contact: Gail Robinson, Virginia Workforce Council Liaison, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 225-3070, FAX (804) 225-2190, (800) 828-1120/TTY , e-mail grobinson@vec.state.va.us.


INDEPENDENT

VIRGINIA BOARD FOR PROTECTION AND ADVOCACY


† **April 15, 2003 - 6:30 p.m.** -- Open Meeting
Crowne Plaza Hotel, 555 East Canal Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A dinner meeting. Issues of the board may be discussed informally. No votes will be taken.

Contact: Claunita Jackson, Administrative Assistant, Virginia Office for Protection and Advocacy, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-3220, FAX (804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail jacksoca@vopa.state.va.us.

† **April 16, 2003 - 9 a.m.** -- Open Meeting
Ninth Street Office Building, 202 North Ninth Street, 9th Floor Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A work session. Public comments will not be received at this time.

Contact: Claunita Jackson, Administrative Assistant, Virginia Office for Protection and Advocacy, 202 N. 9th St., 9th Floor, 9th Street Office Building, Richmond, VA 23219, telephone (804) 225-3220, FAX (804) 225-3221, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail jacksoca@vopa.state.va.us.

VIRGINIA RETIREMENT SYSTEM

† **April 17, 2003 - Noon** -- Open Meeting

NOTE: CHANGE IN MEETING DATE AND TIME

† **May 13, 2003 - Noon** -- Open Meeting

Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. ☎

A regular meeting of the Optional Retirement Plan Advisory Committee. No public comment will be received at the meeting.

Contact: Darla Glazier, Office Manager, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3119, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail dglazier@vrs.state.va.us.

† **April 21, 2003 - 9 a.m.** -- Open Meeting

May 14, 2003 - 11 a.m. -- Open Meeting

Bank of America Building, 1111 East Main Street, 4th Floor Conference Room, Richmond, Virginia. ☎

A regular meeting of the Investment Advisory Committee. No public comment will be received at the meeting.

Contact: Phyllis Henderson, Virginia Retirement System, 1111 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail phenderson@vrs.state.va.us.

May 14, 2003 - 3 p.m. -- Open Meeting

VRS Headquarters, 1200 East Main Street, Richmond, Virginia. ☎

The following committees will meet:

3 p.m. - Benefits and Actuarial Committee

4 p.m. - Audit and Compliance Committee

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail dkestner@vrs.state.va.us.

May 15, 2003 - 9 a.m. -- Open Meeting

† **June 16, 2003 - 9 a.m.** -- Open Meeting

VRS Headquarters, 1200 East Main Street, Richmond, Virginia. ☎

A regular meeting of the Board of Trustees. No public comment will be received.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail dkestner@vrs.state.va.us.

CHRONOLOGICAL LIST

OPEN MEETINGS

March 24

Agricultural Council, Virginia

Alcoholic Beverage Control Board

† Chesapeake Bay Local Assistance Board

Housing Development Authority, Virginia

- Board of Commissioners

† Pharmacy, Board of

- Regulation Committee

Physical Therapy, Board of

† William and Mary, The College of

- Financial Affairs Committee

March 25

Agricultural Council, Virginia

Asbestos, Lead, and Home Inspectors, Virginia Board for

Contractors, Board for

Criminal Justice Services Board

- Private Security Services Advisory Board

† Education, Board of

- Advisory Committee on Adult Education and Literacy

Environmental Quality, Department of

Funeral Directors and Embalmers, Board of

† Game and Inland Fisheries, Department of

Small Business Financing Authority, Virginia

† Water Control Board, State

March 26

At-Risk Youth and Families, Comprehensive Services for

- State Executive Council

Education, Board of

† Game and Inland Fisheries, Department of

Mental Health, Mental Retardation and Substance Abuse

Services, Department of

Public Broadcasting Board, Virginia

† Real Estate Board

- Education Committee

Reforestation of Timberlands Board

March 27

† Environmental Quality, Department of

- Drought Response Technical Advisory Committee

† Game and Inland Fisheries, Department of

Pharmacy, Board of

- Special Conference Committee

Real Estate Board

Workforce Council, Virginia

March 28

Accountancy, Board of

- Enforcement Committee

Dentistry, Board of

- Special Conference Committee

† Waste Management Board, Virginia

April 1

Contractors, Board for

† Environmental Quality, Department of

Museum of Fine Arts, Virginia

- Executive Committee

† War Memorial Foundation, Virginia

April 2

† Environmental Quality, Department of

† Medicine, Board of

Nursing, Board of

- Special Conference Committee

Waste Management Facility Operators, Board for

April 3

Agriculture and Consumer Services, Department of

- Virginia Horse Industry Board

Calendar of Events

Environmental Quality, Department of
Technology Services, Council on
- Executive Committee

† University of Virginia
- Buildings and Grounds Committee
- Finance Committee

April 4

Art and Architectural Review Board
Medicine, Board of
- Informal Conference Committee

April 7

† Fire Services Board, Virginia
† Housing and Community Development, Board of
Nursing, Board of
- Special Conference Committee

April 8

Blind and Vision Impaired, Board for the
Contractors, Board for
† Gunston Hall Plantation
- Board of Regents
Nursing, Board of
- Special Conference Committee
Resources Authority, Virginia
- Board of Directors

April 9

Medicine, Board of
- Informal Conference Committee
Real Estate Board
† Sewage Handling and Disposal Appeal Review Board
Technology Services, Council on
- Change Management Workgroup

April 10

Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
† Environmental Quality, Department of
† Manufactured Housing Board, Virginia
Real Estate Board

April 11

Old Dominion University

April 12

Social Services, Department of
- Virginia Commission on National and Community
Service

April 14

Alcoholic Beverage Control Board
Nursing, Board of
- Special Conference Committee

April 15

† Protection and Advocacy, Virginia Board for

April 16

Contractors, Board for
† Protection and Advocacy, Virginia Board for
Social Services, State Board of
Treasury Board

April 17

Design-Build/Construction Management Review Board
† Retirement System, Virginia
- Optional Retirement Plan Advisory Committee
Social Services, State Board of
Technology Services, Council on
- Security Workgroup
Transportation Board, Commonwealth

April 18

Health Professions, Department of
- Intervention Program Committee

April 21

Education, Board of
- Advisory Board on Teacher Education and Licensure
† Retirement System, Virginia
- Investment Advisory Committee

April 22

Contractors, Board for
† Environmental Quality, Department of
- Litter Control and Recycling Fund Advisory Board
† Funeral Directors and Embalmers, Board of
Nursing, Board of
- Special Conference Committee

April 23

Medicine, Board of
- Informal Conference Committee

April 24

Geology, Board for
Medicine, Board of
- Informal Conference Committee
† Nursing, Board of
- Special Conference Committee
Rehabilitative Services, Board of
† Water Control Board, State
William and Mary, The College of
- Board of Visitors

April 25

Health, State Board of
William and Mary, The College of
- Board of Visitors

April 28

Alcoholic Beverage Control Board

April 29

Contractors, Board for
† Education, Board of
Nursing, Board of
- Special Conference Committee

April 30

At-Risk Youth and Families, Comprehensive Services for
- State Executive Council
Education, Board of
Labor and Industry, Department of
- Virginia Migrant and Seasonal Farmworkers Board

May 1

Education, Board of
Technology Planning, Department of
- VGIN Advisory Board
Technology Services, Council on
- Executive Committee

May 2

Art and Architectural Review Board

May 5

† Alzheimer's Disease and Related Disorders Commission

May 6

Contractors, Board for
† Medicine, Board of
- Advisory Board on Athletic Training
† Museum of Fine Arts, Virginia
- Executive Committee

May 7

Contractors, Board for
- Tradesman and Education Committee
Jamestown-Yorktown Foundation
- Executive Committee
† Medicine, Board of
- Advisory Board on Acupuncture
- Advisory Board on Radiologic Technology
† Real Estate Board
- Education Committee

May 8

George Mason University
- Board of Visitors
Health, Department of
- State Emergency Medical Services Advisory Board
† Medicine, Board of
- Advisory Board on Occupational Therapy
- Advisory Board on Respiratory Care
† Real Estate Board

May 9

Child Fatality Review Team, State
Health, Department
- State Emergency Medical Services Advisory Board
† Medicine, Board of
- Advisory Board on Physician Assistants
† Social Work, Board of

May 12

Alcoholic Beverage Control Board
Nursing, Board of
Old Dominion University
- Executive Committee

May 13

Contractors, Board for
Environmental Quality, Department of
- Recycling Markets Development Council
Medical Assistance Services, Board of
Nursing, Board of
† Real Estate Appraiser Board
† Retirement System, Virginia
- Optional Retirement Plan Advisory Board

May 14

Public Broadcasting Board, Virginia
Retirement System, Virginia
- Audit and Compliance Committee
- Benefits and Actuarial Committee
- Investment Advisory Committee
Technology Planning, Department of
- Wireless E-911 Services Board
Technology Services, Council on
- Change Management Workgroup
† Transportation Board, Commonwealth

May 15

Design-Build/Construction Management Review Board
Jamestown-Yorktown Foundation
- Board of Trustees
Nursing, Board of
† Retirement System, Virginia
- Board of Trustees
Technology Services, Council on
- Security Workgroup
† Transportation Board, Commonwealth

May 16

Jamestown-Yorktown Foundation
- Board of Trustees
† Medicine, Board of
- Legislative Committee

May 20

Corrections, Board of
- Correctional Services Committee
- Liaison Committee

May 21

† Cemetery Board
Corrections, Board of
- Administration Committee
Milk Commission, State
Real Estate Board
† Sewage Handling and Disposal Appeal Review Board
† Treasury Board

May 22

Real Estate Board

May 28

Alcoholic Beverage Control Board
At-Risk Youth and Families, Comprehensive Services for
- State Executive Council
Contractors, Board for
Education, Board of

June 3

Contractors, Board for
Nursing, Board of
- Special Conference Committee

June 5

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Medicine, Board of
Technology Services, Council on
- Executive Committee

June 6

Art and Architectural Review Board

June 9

Alcoholic Beverage Control Board
Nursing, Board of
- Special Conference Committee

June 10

Contractors, Board for
Nursing, Board of
- Special Conference Committee

June 11

Jamestown-Yorktown Foundation
- Steering Committee
† Technology Services, Council on
- Change Management Workgroup

June 16

† Library of Virginia, The
† Retirement System, Virginia
- Board of Trustees

June 17

† Contractors, Board for
† Old Dominion University
- Board of Visitors

June 18

† Polygraph Examiners Advisory Board

June 19

Calendar of Events

- † Design-Build/Construction Management Review Board
- † Museum of Fine Arts, Virginia
 - Executive/Finance Committee
- † Technology Services, Council on
 - Security Workgroup
- † Waterworks and Wastewater Works Operators, Board for

June 20

- † Health Professions, Department of
 - Intervention Program Committee

June 23

- Alcoholic Beverage Control Board

June 24

- † Contractors, Board for
- † Nursing, Board of
 - Special Conference Committee

PUBLIC HEARINGS

April 2

- Water Control Board, State

April 4

- Dentistry, Board of

April 9

- Air Pollution Control Board, State

May 13

- † Agriculture and Consumer Services, Department of

May 21

- † Milk Commission, State

June 12

- † Criminal Justice Services Board